

246.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-45476-2016

Date of decision:05.09.2017.

PARMINDER SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. D.R. Punia, Advocate,
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab,
for respondent No.1.

Mr. Chander Shekhar Singhal, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.70 dated 03.06.2016 under Sections 323, 324, 326, 427, 34 IPC, registered at Police Station Dugri, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 21.10.2016 (Annexure P-1).

This Court vide order dated 12.07.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.08.2017 to the effect that the compromise effected between the parties is genuine and without any pressure or fear.

Respondent No.2-complainant, namely, Harpreet Singh has made his statement with regard to compromise before learned Magistrate on 03.08.2017. The same is reproduced as under:-

“That I had lodged FIR No.70 dated 03.06.16, U/s 323/324/326/427/34 IPC, PS Dugri, Ludhiana against the accused Parminder Singh son of Sh. Manmohan Singh, R/o H.No.3384, Chet Singh Nagar, Ludhiana, Jaswinder Singh son of late Sh. Amarjit Singh, R/o Gali no.10, Chimni Road, Shimlapuri, Ludhiana and Ravi Saini son of Varinder Saini, R/o H.no.34-A, Sukhdev Nagar, Ferozpur Road, Ludhiana. That I have compromised the matter with accused on the basis of compromise annexure P1 and the original has been placed in the petition file before the Hon'ble High Court. I have no objection if the FIR against accused Parminder Singh and Jaswinder Singh is quashed. That I am the complainant in the said FIR and today I am giving my statement out of my free will and consent, without any coercion and there is no pressure on me.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of**

Punjab and another 2007 (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.70 dated 03.06.2016 under Sections 323, 324, 326, 427, 34 IPC, registered at Police Station Dugri, District Ludhiana and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 21.10.2016 (Annexure P-1).

(HARI PAL VERMA)
JUDGE

05.09.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No