

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

**CRM-M-5162-2016
Date of decision-04.08.2017**

Gurinder Singh and others

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Prashant Vashisth, Advocate for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. V.K.Kaushal, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure is for quashing of cross case registered vide DDR No.29 dated 04.12.2015 in Police Station Dehlon, Ludhiana-City in connection with FIR No.183 dated 05.12.2015 registered under Sections 326, 324 and 148 read with Section 149 of Indian Penal Code (in short 'IPC') at Police Station Dehlon, Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.02.2016 (Annexure P-2).

This Court vide order dated 11.05.2016 had directed the parties to appear before the 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 13.06.2016 to the effect that the compromise effected between the parties is genuine, voluntary, without any threat or coercion.

Respondent No.2-complainant, namely, Balwinder Singh has made his statement with regard to compromise before learned Magistrate on 26.05.2016. The same is reproduced as under:-

“Statement of Balwinder Singh S/o Shamsheer Singh R/o village Dolo Khurd, Tehsil & District Ludhiana. On SA Stated that an DDR No.29 dated 04.12.2015 u/s 324, 148, 149 IPC was registered at PS Dehlon, Distt.Ludhiana on my statement against 1.Gurinder Singh S/o Karnail Singh 2. Harinder Singh @ Noni s/o Karnail Singh 3. Karnail Singh S/o Maha Singh 4.Dalbara Singh S/o Malkit Singh 5. Jaskaran Singh @ Jass S/o Dalbara Singh all residents of village Dolo Khurd, Tehsil & Distt.Ludhiana. Now the matter has compromised between us voluntarily out of free will and without any pressure from any corner. Original compromise entered into between the parties is attached with petition u/s 482 Cr.P.C. pending before Hon'ble Punjab and Haryana High Court, Chandigarh. I am attaching copy of my voter card and identity proof which is Ex C2. As per compromise I do not want to proceed further with the present DDR and I have filed the petition u/s 482 Cr.P.C and I have no objection if the said DDR be quashed by Hon'ble Punjab and Haryana High Court, Chandigarh CRM-M-No.5162/2016.

RO& AC
Sd/-
(Balwinder Singh)

Sd/-
(Lovejinder Kaur)
JMJC/Ldh/ 26.05.2016”

Learned State counsel as well learned counsel appearing on behalf of 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 FIR.

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 cross case registered vide DDR No.29 dated 04.12.2015 in Police Station Dehlon, Ludhiana-City in connection with FIR No.183 dated 05.12.2015 registered under Sections 326, 324 and 148 read with Section 149 of IPC at Police Station Dehlon, Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 01.02.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

August 04, 2017

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No