

246.

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

CRM-M-5235-2017

Date of decision:29.08.2017

GURPARTAP SINGH @ SATTA AND ORS.

... Petitioners

versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Mr. Gagandeep Singh Simble, Advocate,
for Mr. Iqbal Singh Mann, Advocate,
for the petitioners.

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

Mr. K.S. Brar, Advocate,
for respondents No.2 to 7.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.26 dated 25.09.2013, under Sections 307, 323, 148, 149 IPC, registered in FIR No.144 dated 25.09.2013 under Sections 307, 326, 324, 382, 148, 149 IPC at Police Station Nathana, District Bathinda, and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

In support of compromise so arrived at between the parties, learned counsel for the petitioners states that FIR No.144 dated 25.09.2013 under Sections 307, 326, 324, 382, 148, 149 IPC, Police Station Nathana, District Bathinda, was registered at the behest of the

petitioners in the present petition and the said FIR was quashed on the basis of compromise, by this Court vide order dated 12.08.2014 passed in CRM-M-7313-2014 titled as 'Sukhjinder Singh and others Versus State of Punjab and others'.

This Court vide order dated 30.03.2017 had directed the parties to appear before the trial Court/Area Magistrate 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, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.05.2017 to the effect that the compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Sukhjinder Singh as well as other injured i.e. respondents No.3 to 7 have made a joint statement with regard to compromise before learned Magistrate on 26.04.2017. The same is reproduced as under:-

“Stated that due to some misunderstanding an occurrence took place in our village on 24.9.2013 regarding which an FIR No.144 dated 25.9.2013 under Sec. 307/ 326/ 382/ 324/148/149 IPC PS Nathana was registered and during investigation of the case, it was found to be a cross case. The present case is a cross case registered by us, Sukhjinder Singh, Amrit Pal Singh, Simarjit Singh, Gurpreet Singh son of Chhinderpal Singh, Gurpreet Singh son of Jiti Singh and

Balwinder Singh against Jobandeep Singh, Kulwinder Singh, Gurpartap Singh, Lakhwinder Singh, Jagga Singh alias Jagsir Singh, Gurpreet Singh, Gurjiwan Singh alias Jiwanjot and Babbi alias Gurdeep Singh. Earlier a compromise between us has already been effected and a petition under Section 482 of Cr.P.C. for quashing FIR No.144 dated 25.9.2013 pending between us has already been filed by us jointly. Vide order dated 12.8.2014 of the Hon'ble High Court of Punjab & Haryana, the above mentioned FIR has already been quashed qua the petitioners i.e. Sukhjinder Singh, Amrit Pal Singh, Simarjit Singh, Gurpreet Singh son of Chhinderpal Singh, Gurpreet Singh son of Jiti Singh and Balwinder Singh. We have already entered into a compromise. This compromise is in our interest. All of us are living peacefully since long. Our compromise may kindly be accepted to secure the ends of justice. We have no objection if the present cross case is also quashed qua Jobandeep Singh, Kulwinder Singh, Gurpartap Singh, Lakhwinder Singh, Jagga Singh alias Jagsir Singh, Gurpreet Singh, Gurjiwan Singh alias Jiwanjot and Babbi alias Gurdeep Singh."

Learned State counsel as well as learned counsel for respondents No.2 to 7 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 case.

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

others (2012) 10 SCC 303, this petition is allowed and DDR No.26 dated 25.09.2013, under Sections 307, 323, 148, 149 IPC, registered in FIR No.144 dated 25.09.2013 under Sections 307, 326, 324, 382, 148, 149 IPC at Police Station Nathana, District Bathinda, and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-3).

(HARI PAL VERMA)
JUDGE

29.08.2017
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No