

245.

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

CRM-M-8788-2017

Date of decision:11.09.2017.

DILDAR SINGH AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. H.P.S. Ghuman, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

Mr. H.S. Oberoi, Advocate, for
Ms. Hem Lata, Advocate,
for respondents No.2 & 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.52 dated 20.07.2015 under Sections 323, 324, 451, 148, 149, 452 IPC, registered at Police Station Bhadson, Tehsil Nabha, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.03.2017 (Annexure P-2).

This Court vide order dated 16.03.2017 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 Civil Judge, Junior Division, Nabha and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.04.2017 to the effect that the compromise entered into between the parties is genuine, without any coercion, undue influence and any sort of pressure.

Respondent No.2-complainant, namely, Sarabjit Singh has made his statement with regard to compromise before learned Magistrate on 30.03.2017. The same is reproduced as under:-

“Stated that FIR No.52 dated 20.7.15 u/s 324, 323, 451, 148, 149/452 IPC was registered by me against accused persons. Now we have compromised the matter and as per compromise Ex.CX, now there is no ill will or enmity between us and the matter has been settled amicably. I have no objection if the FIR abovesaid is quashed by Hon'ble High Court. I am giving my statement without any pressure and coercion and we have already filed quashing petition before the Hon'ble Court of Punjab & Haryana High Court.”

Apart from above, a similar statement has been made by the injured-Jasvir Kaur i.e. respondent No.3, whereby she has shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondents No.2 & 3 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

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.52 dated 20.07.2015 under Sections 323, 324, 451, 148, 149, 452 IPC, registered at Police Station Bhadson, Tehsil Nabha, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 03.03.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

11.09.2017
sanjeev

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