

247.

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

CRM-M-11602-2018

Date of decision:04.07.2018

RAJ KUMAR AND ORS.

... Petitioners

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Ankush Thakral, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

None for respondents No.2 to 6.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross case registered under Sections 323/324/326/148/149/120-B IPC dated 10.05.2016, Police Station Beas, in FIR No.69 dated 08.05.2016 under Sections 323/324/326/427/436/148/149 IPC, Police Station Beas, District Amritsar Rural (Annexures P-1 & P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.02.2018 (Annexure P-3).

This Court vide order dated 20.03.2018 had directed the parties to appear before the trial Court/Illaqa 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 Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.05.2018 to the effect that the compromise has been effected between the parties voluntarily, out of their free will, without any pressure or coercion and the same appears to be genuine one.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jita Ram but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 02.05.2018. The same is reproduced as under:-

“Stated that the present case has been registered on my statement against the accused Raj Kumar son of Satpal (2) Karnal Bhaiya son of Pritam Singh @ Paitu, (3) Rajesh @ Rajesh Kumar son of Saddi Lal @ Kaddi Ram, (4) Swinder Kumar Kehri @ Swinder Kaur wife of Raj Kumar (5) Sona Sandhu wife of Neeta @ Chanchal Singh, (6) Vicky Sarova son of Raj Kumar (7) Bunty Saroa son of Raj Kumar (8) Raj Kumar son of Sarwan Kumar (9) Vijay Kumar son of Munir Ram (10) Neeta @ Chanchal Kumar son of Madan Lal @ Maddi (11) Satpal son of Bawa Ram, (12) Shankar son of Chaman Lal, (13) Dany Ram son of Anwar Ram (14) Govinda son of Gulab Ram, all resident of Navi Abadi, Beas, Tehsil Baba Bakala Sahib, District Amritsar in cross version case in FIR No.69 dated 8.5.2016, U/s 323/324/326/427/436/148/149 of IPC P.S. Beas. Now the matter has been compromised with the above said accused with intervention of respectable persons. I do not want to take further action against the accused persons. I do not want to proceed further with the said FIR against the accused persons. I have no objection if the FIR No.69 dated 8.5.2016, U/s 323/324, 326, 427, 436, 148/149 of IPC P.S. Beas and subsequent proceedings arising out of said FIR registered at Police Station Beas is quashed by the Hon'ble High Court. This compromise is genuine, voluntarily and without any coercion or undue influence. I have made this statement out of my free will and without any threat or pressure. None of the accused is PO in this case.”

Apart from above, similar statements have been made by respondent Nos.3 to 6, namely, Gurmeet Kaur, Vijay Kumar, Channo and Paramjit Singh respectively, whereby they have shown no objection to the FIR being quashed.

Learned State counsel has 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 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 under Sections 323/324/326/148/149/120-B IPC dated 10.05.2016, Police Station Beas, in FIR No.69 dated 08.05.2016 under Sections 323/324/326/427/436/148/149 IPC, Police Station Beas, District Amritsar Rural (Annexures P-1 & P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.02.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

04.07.2018
sanjeev

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