

247/A.

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

CRM-M-11622-2018

Date of decision:04.07.2018

GAMA RAM AND ORS.

... Petitioners

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

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

Mr. Ankush Thakral, 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 FIR No.69 dated 08.05.2016 under Sections 323/ 324/ 326/ 427/ 436/148/149 IPC, registered at Police Station Beas, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.02.2018 (Annexure P-2).

This Court vide order dated 20.03.2018 had directed the parties to appear before the trial Court/Illaq 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 07.05.2018 to the effect that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Bunty Saroa has 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 Gama Ram son of Sardari Lal, (2) Mewa Ram @ Sewa Ram son of Sohan Lal, (3) Vijay Kumar son of Amru Ram @ Babbu Ram, (4) Ranjit Kumar @ Rana son of Amru Ram @ Babbu Ram, (5) Sita @ Sheetal Singh son of Massu Ram @ Gudda Ram, (6) Giani @ Sukhdev Singh son of Mewa Ram, (7) Khandu Ram @ Manjit Singh son of Mehanga Ram, (8) Balkar Singh Member Panchayat son of Jagir Singh, (9) Kuldeep @ Kuldeep Singh son of Jit Ram @ Jita Ram, (10) Jassan Preet Singh @ Jagan Preet Singh son of Gama Ram, (11) Gora @ Gora Ram s/o Gudda Ram @ Sarwan Singh, (12) Pal Singh Numberdar son of Dharam Singh, (13) Babbu Kawaria @ Balwant Singh s/o Anokha Ram, (14) Pappi @ Paramjit Singh son of Mohinder Singh, (15) Channo Kaur wife of Amru Ram (16) Gurmeet Kaur Sarpanch wife of Jagan Preet all resident of Gurunanakpura Beas, Tehsil Baba Bakala Sahib, District Amritsar 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 person. 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 7, namely, Raj Kumar son of Sarban Ram, Swinder Kaur wife of Raj Kumar, Raj Kumar son of Satpal, Shankar son of Chaman Lal and Ramesh Kumar son of Sunder Ram respectively, whereby they have shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.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 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 FIR No.69 dated 08.05.2016 under Sections 323/ 324/ 326/ 427/ 436/148/149 IPC, registered at Police Station Beas, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.02.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.07.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No