

CRM-M-12412-2018

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

CRM-M-12412-2018

Date of Decision: 2nd May, 2018

Satpal Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.R. Bhardwaj, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Karan Singh Rana, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.79 dated 07.06.2016, under Sections 308, 323, 148 and 149 of the Indian Penal Code, registered at Police Station Lehra, District Sangrur (Annexure P-1) and the charge-sheet dated 22.09.2016 (Annexure P-3) where charges were framed under Sections 325, 323, 352, 201 read with Section 34 of the Indian Penal Code along with all subsequent proceedings arising therefrom, in the light of the compromise dated 25.02.2018 (Annexure P-4) entered into between the petitioners, respondent No.2 -complainant and respondent No.3-injured.

This case came up for hearing before this Court on 23.03.2018, when following order was passed:-

“Prayer in this petition is for quashing of FIR No.79 dated 07.06.2016 under Sections 308/323/148/149 IPC registered at Police Station Sujampur, District Pathankot and charges framed under Sections 325/323/352/201/34 IPC along with consequential proceedings arising therefrom on the basis of a compromise (Annexure P-4) arrived at between the parties.

Notice of motion.

Mr.Karan Singh Rana, Advocate, at this stage appears on behalf of respondent Nos.2 and 3 and has filed his vakalatnama. The same is taken on record. He affirms and verifies the factum of compromise between the parties.

Mr. Kuldip Singh, Sr. DAG, Punjab, on the asking of Court, accepts notice on behalf of respondent-State. Copies of petition have been handed over to learned counsel for the respondents.

Parties through counsel are directed to appear before the learned trial court/Illaqa Magistrate on 17.04.2018 for recording of their statements in regard to the settlement in the present case. Written compromise, if any, be produced before the learned trial court/Illaqa Magistrate. Learned trial court/Illaqa Magistrate shall on 17.04.2018 or any other date fixed by the Court, in case the statements cannot be recorded on that day, record the statements of the petitioners and respondent No.2 as well as all/any affected person(s) regarding the factum of compromise.

Learned trial court/Illaqa Magistrate shall send report regarding the genuineness of compromise alongwith statements of the parties before the date fixed.

Total number of accused persons and the affected persons be detailed. Information regarding conviction/ involvement of any of the accused in any other case, whether they are proclaimed offenders or pendency of such proceedings be indicated in the report.

List on 02.05.2018.”

In pursuance to the order referred to above, parties appeared before the Sub-Division Judicial Magistrate, Moonak (Sangrur), on 27.04.2018 and got recorded their respective statements with reference to the compromise. After recording the statements, Sub-Division Judicial Magistrate, Moonak (Sangrur) has submitted its report dated 27.04.2018 concluding therein that the matter has been voluntarily compromised by the parties with the free consent of the complainant and injured, without any pressure or undue influence and the compromise is genuine.

Counsel for the petitioners as also counsel for respondents No.2 and 3 submit that the FIR which was registered at the behest of respondent No.2-Chitwant Singh (complainant) may be quashed along with all consequential proceedings arising therefrom as the matter has been amicably resolved and respondents No.2 and 3 are not interested in pursuing the matter any further.

The factum of compromise has again been acknowledged by the counsel for respondents No.2 and 3.

Keeping in view the fact that the matter has been amicably resolved between the parties and the compromise dated 25.02.2018 (Annexure P-4) entered into between the parties, which has been found to

be genuine as per the report of Sub-Division Judicial Magistrate, Moonak (Sangrur), the continuation of proceedings before the trial Court would be a futile exercise and rather, wastage of time and energy, which cannot be permitted.

In the light of the above and the ratio of latest judgment of the Hon'ble Supreme Court in *Criminal Appeal No.1723 of 2017*, titled as '*Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another*', decided on 04.10.2017 and in the judgment of *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.79 dated 07.06.2016, under Sections 308, 323, 148 and 149 of the Indian Penal Code, registered at Police Station Lehra, District Sangrur (Annexure P-1) and the charge-sheet dated 22.09.2016 (Annexure P-3) along with all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

2nd May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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