

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CRM-M-1322-2018

Date of Decision:27.08.2018

Ashok Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. O.P. Kamboj, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab,
for respondent Nos.1 to 3.

None for respondent No.4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.185 dated 31.12.2016 under Section 324/34 IPC (the offence punishable under Section 326 IPC was added later on), registered at Police Station Sadar Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.12.2017 (Annexure P-2) and affidavit dated 28.12.2017 (Annexure P-3).

Learned counsel for the petitioners states that initially the present petition was filed on behalf of the petitioners including petitioner No.3-Jarnail Singh, but during investigation and on the basis of reply, it has been noticed that petitioner No.3 was found innocent.

This Court vide order dated 15.01.2018 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 Addl. Chief Judicial Magistrate, Fazilka and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.03.2018 to the effect that the parties have compromised the matter without any pressure and with their free will. There seems no inducement or influence on the parties in arriving at the compromise. The compromise seems to be voluntary, genuine one and without any coercion or undue influence.

Though, today no one is present on behalf of respondent No.4- Complainant, namely, Balbir Singh, but no prejudice should be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 19.02.2018. The same is reproduced as under:-

“Stated that case FIR No.185 dated 31.12.2016 under Sections 324, 326 read with Section 34 IPC, Police Station Sadar, Fazilka was got registered by me against 1. Ashok Singh son of Jalla Singh, 2. Parkash Kaur wife of Ashok Singh, both residents of village Walle Shah Hithar, Tehsil and District Fazilka and 3. Jarnail Singh son of Sher Singh, resident of Mandi Ladhuka, District Fazilka.

Now with the intervention of respectable, the matter has been compromised. I know my good or bad and I have compromised the matter with my free will, voluntarily and without any pressure from any corner. Now I have no grudge against petitioners/accused and I have no objection if petition filed by petitioners/accused for quashing of FIR is accepted.

No other person is involved or declared proclaimed offender in this case. I place on file copy of my Aadhar Card as Mark-1 as token of my identity.”

Learned State counsel has not disputed the factum of compromise between the parties and the fact that the dispute is between real brothers.

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 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.185 dated 31.12.2016 under Section 324/34 IPC (the offence punishable under Section 326 IPC was added later on), registered at Police Station Sadar Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 29.12.2017 (Annexure P-2) and affidavit dated 28.12.2017 (Annexure P-3).

August 27, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No