

257.

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

CRM-M-13330-2018

Date of decision:25.09.2018.

HARMEET SINGH AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.S. Jagpal, Advocate, for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

Mr. G.S. Bains, Advocate, for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.90 dated 07.09.2016 registered under Sections 323/341/427/451/148/149/506 IPC at Police Station Shaheed Bhagat Singh Nagar, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.11.2017 (Annexure P-2).

This Court vide order dated 02.04.2018 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, the parties could not appear before the trial Court to record their statements. Again vide order dated 12.07.2018, one more opportunity was granted and parties were directed to get their statements

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.08.2018 to the effect that the compromise appears to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Mandeep Kumar has made his statement with regard to compromise before learned Magistrate on 24.07.2018. The same is reproduced as under:-

“Stated that I have registered the present case against Harmeet Singh @ Ripsy, Simrandeep Singh @ Fighter, Rajan Khurana @ Bobby, Vivek Kumar @ Mannu. I have effected the compromise with the accused persons voluntarily and without any pressure, coercion or undue influence. Now I have no grudge against the accused. I have no objection, if the FIR be quashed against the accused persons.”

Learned State counsel as well as learned counsel for respondent No.2 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 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 F.I.R. No.90 dated 07.09.2016

registered under Sections 323/341/427/451/148/149/506 IPC at Police Station Shaheed Bhagat Singh Nagar, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 02.11.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

25.09.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No