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

CRM-M-13352-2018

Date of decision:19.07.2018.

BHUPINDER SINGH AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Arora, Advocate,
for the petitioners.

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

Mr. Parminder Singh Kanwar, 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.23 dated 31.01.2018 registered under Sections 336/452/379/506/148/149 IPC and Sections 25/27 of Arms Act, 1959 at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.02.2018 (Annexure P-2).

This Court vide order dated 02.04.2018 had directed the parties to appear before the 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 Additional Chief Judicial Magistrate, Tarn Taran and got their statements recorded. On the basis of statements so recorded, learned Magistrate has submitted report dated 01.05.2018 to the effect that the compromise effected between the parties is without any threat or coercion and it is genuine one.

Respondent No.2-complainant, namely, Avtar Singh has made his statement with regard to compromise before learned Magistrate on 27.04.2018. The same is reproduced as under:-

“Stated that I am complainant in the present case. I and all accused namely Bhupinder Singh son of Balbir Singh, Navtej Singh son of Bhupinder Singh, Jaspreet Singh son of Bhupinder Singh, Malook Singh son of Khajan Singh, Gurnam Singh @ Gami son of Malook Singh, Baljinder Singh @ Binder son of Malook Singh, Shinda @ Sukhwinder Singh son of Malook Singh, Balraj Singh son of Kuljit Singh, Kuljit Singh son of Gurbachan Singh, Amarjit Singh @ Baba Toti son of Gurbachan Singh, All resident of village Padhri Khurd, Post Office, Padhari Kalan, Tehsil & District Tarn Taran, and Jai Jeet Singh son of Mangta Singh, R/o Village Dibbiwal, P.S. Jhabhal, Tehsil and District Tarn Taran, have effected the compromise and they are satisfied with the compromise. The compromise effected between them and above said accused are with our free and sweet will and without any pressure. As per our compromise I do not want to further proceed in the present case against above said accused if the present case as well as the proceedings arising from the above said FIR are quashed and above said accused acquitted from present case, I have no objection for the same. The present compromise effected between them is without any pressure or coercion and it is genuine one.”

Learned State counsel as well 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.23 dated 31.01.2018 registered under Sections 336/452/379/506/148/149 IPC and Sections 25/27 of Arms Act, 1959 at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 13.02.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

19.07.2018
sanjeev

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