

264/A.

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

CRM-M-14597-2018

Date of decision:24.07.2018

JATINDERPAL SINGH ALIAS LALLI AND ANR ... Petitioners

Versus

STATE OF PUNJAB AND ORS Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Amninder Singh Cheema, Advocate,
for respondents No.2 to 6.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.23 dated 06.02.2018 registered in the Roznamcha at Police Station Bholath, District Kapurthala under Sections 323, 34 IPC (Annexure P-1), DDR No.16 dated 16.02.2018 (Annexure P-2) whereby offence under Section 325 IPC has been added (in a cross-case bearing F.I.R. No.11 dated 15.02.2018, under Sections 323, 326, 148, 149 IPC, Police Station Bholath, District Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise dated 24.02.2018 (Annexure P-4).

This Court vide order dated 16.04.2018 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 Judicial Magistrate Ist Class, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.05.2018 to the effect that the compromise has been effected between the parties voluntarily, without any threat, coercion or pressure and the same is genuine one.

Respondent No.2-complainant, namely, Joginder Pal alias Buba has made his statement with regard to compromise before learned Magistrate on 02.05.2018. The same is reproduced as under:-

“That I am complainant party in DDR No.16, dated 16.02.2018, under Section 323 & 34 IPC, P.S. Bholath, District Kapurthala and DDR No.23, dated 06.02.2018 added 325 IPC in this case. Now I have compromised the matter with the all the accused. The matter in dispute has been compromised amicably with the intervention of respectables of Village between me and other accused. The compromise has already been placed before the Hon'ble Punjab & Haryana High Court. I have compromised the matter voluntarily and without any coercion or undue influence.”

Apart from above, similar statements have been made by respondents No.3 to 6, namely, Gurdeep Singh alias Shonki, Rani, Ashok Kumar Ashoka and Balwinder Singh alias Kala respectively, whereby they have shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 to 6 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 case.

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 DDR No.23 dated 06.02.2018 registered in the Roznamcha at Police Station Bholath, District Kapurthala under Sections 323, 34 IPC (Annexure P-1), DDR No.16 dated 16.02.2018 (Annexure P-2) whereby offence under Section 325 IPC has been added (in a cross-case bearing F.I.R. No.11 dated 15.02.2018, under Sections 323, 326, 148, 149 IPC, Police Station Bholath, District Kapurthala and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.02.2018 (Annexure P-4).

(HARI PAL VERMA)
JUDGE

24.07.2018
sanjeev

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