

266.

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

CRM-M-16945-2018

Date of decision:13.08.2018

VIRSA SINGH AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.... 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.Manoj K. Sharma, Advocate,
for respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.36 dated 25.07.2016 registered under Sections 326, 324, 323, 148, 149 IPC at Police Station Qadian, Tehsil Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.03.2018 (Annexure P-3).

This Court vide order dated 26.04.2018 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. Again, vide order dated 29.05.2018, parties were directed to appear before the trial Court for recording their statements in support of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.07.2018 to the effect that the compromise effected between the parties is genuine and without any pressure or coercion.

Respondent No.2-complainant, namely, Budhu Ram as well as respondent No.3-Ram Dass and respondent No.4-Mohan Lal have made a joint statement with regard to compromise before learned Magistrate on 04.06.2018. The same is reproduced as under:-

“Stated that the present case having FIR No.36 dated 25.07.2016 u/s 326, 324, 323, 148, 149 IPC was registered against accused Virsa Singh son of Anant Ram, Jaspal son of Chain Dass @ Charan Dass, Chain @ Charan Dass son of Kharku Ram, Prem Dass @ Prem Lal son of Charan Dass, Balwinder Lal @ Balwinder Singh son of Chain @ Charan Dass, Guralp Singh son of Virsa Singh, Sonu @ Ramesh Kumar son of Kant Ram and Sagar @ Sunil Kumar son of Prem Lal @ Prem Kumar on the statement of Budhu Ram son of Hazara Lal @ Hazara Ram. Now we all have compromised the matter with accused persons with the intervention of the respectables vide compromise deed, which is attached with the main petition filed before the Hon'ble High Court and copy of which is Ex.C1. We have no objection if the present case having FIR No.36 dated 25.07.2016 u/s 326, 324, 323, 148, 149 IPC, be quashed against the accused persons. We have given our statement with our free will and without any coercion and any pressure. Copies of our identity cards are Ex.C2 to Ex.C4. Further, compromise effected between us and accused persons are not having any adverse effect on the rights of any third

party. We have not been declared proclaimed persons/offenders by any court of law. Except the case having DDR No.45 dated 08.03.2017 u/s 325, 323, 148, 149 IPC registered at PS Qadian in the present FIR No.36 dated 25.07.2016 u/s 326, 324, 323, 148, 149 IPC, being its cross-version, no other case pending against us in any court of law.”

Learned State counsel as well as learned counsel for respondents No.2 to 4 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.36 dated 25.07.2016 registered under Sections 326, 324, 323, 148, 149 IPC at Police Station Qadian, Tehsil Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.03.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

13.08.2018
sanjeev

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