

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

261

CRM-M-17444-2018

Date of Decision: 14.08.2018

Darshan Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Ms. Swati Verma, Advocate,
for the petitioners.

Mr. SPS Tinna, Additional Advocate General, Punjab.

Mr. Pawandeep Singh, Advocate for
Ms. Aparna Singhal, 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 FIR No.148 dated 31.10.2017 under Sections 324/323/326/506/148/149 IPC, registered at Police Station Bilga, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.04.2018 (Annexure P-2).

This Court vide order dated 26.04.2018 had directed the parties to appear before the Chief Judicial Magistrate/Illaq 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 1st Class, Phillaur, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 31.05.2018 to the effect that the compromise has been effected between the parties and same is voluntary, without any pressure or coercion and is genuine one.

Respondent No.2-complainant, namely, Harnek Singh, has made a statement with regard to compromise before learned Magistrate on 23.05.2018. The same is reproduced as under:-

“I have compromised with the accused Balraj Singh, Darshan Singh, Gurjeet Singh @ Gopi, Jaspal Singh @ Toti in the above mentioned case in the presence of respectable persons of both the parties. The compromise is voluntarily, without any inducement, threat, pressure or coercion. The original compromise is already on the judicial file of Hon'ble High Court and the attested photo copy of the same is Ex.P-1. The present compromise has taken place with the free consent and without any pressure. Copy of Aadhar Card is Ex.P-2. I have got no objection if the FIR above noted is quashed/cancelled and the accused are discharged/acquitted. The compromise is voluntarily and has been entered into with my free will without any kind of inducement and undue influence and pressure of any kind from any side.”

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 FIR No.148 dated 31.10.2017

Bilga, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 07.04.2018 (Annexure P-2).

August 14, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No