

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

CRM-M No.176 of 2018 (O&M)

Date of Decision: 30.04.2018

Gurdip Singh and others

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. P.S. Goraya, Advocate
for the petitioners.

Mr Kuldeep Singh, Sr. DAG, Punjab.

Mr. Shokeen Singh Verma, Advocate
for respondent No.3.

Augustine George Masih, J. (Oral)

Prayer in this petition is for quashing of FIR No.51 dated 06.08.2016 (Annexure P-1) under Sections 323, 324, 326, 148, and 149 IPC registered at Police Station Dera baba Nanak and all consequential proceedings arising therefrom in the light of the compromise dated 01.12.2017 (Annexure P-2).

On 09.02.2018, when this case came up for hearing, the following order was passed:-

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“Memo of Appearance has been filed on behalf of respondent No. 3.

Counsel for the parties state that the petitioners and respondent No. 3 will appear before the Illaqa Magistrate, Batala to get recorded their statements on the basis of the compromise dated 01.12.2017 (Annexure P-2) entered into between petitioners and respondents No. 3.

The parties to appear before the Illaqa Magistrate, Batala on 26.02.2018 for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Illaqa Magistrate, Batala is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*

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(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

To come up on 30.04.2018.

Copy of this order be sent to Ilaqa Magistrate, Batala for information and compliance.”

In compliance with the order passed by this Court, the parties appeared before the Judicial Magistrate Ist Class, Batala, who proceeded to record their statements and on the basis of the same, report has been submitted indicating that the compromise, which has been entered into between the parties, is voluntary, with their free will and full senses so that they may live in peace and harmony and to avoid any future conflict/enmity between the parties. It has been concluded that the compromise between the parties is genuine and valid, without any coercion from any quarter and out of free will.

In the light of the report of the Judicial Magistrate Ist Class, Batala dated 26.02.2018, counsel for the parties submit that the present petition may be allowed as the matter has been amicably settled and it would be in the interest of the parties especially when they are residing in the same village so that peace and tranquillity persists.

Having considered the submissions made by the counsel for the parties and keeping in view the report of the Judicial Magistrate Ist Class, Batala dated 26.02.2018, the compromise being genuine, no useful purpose would be served by permitting the continuance of the proceedings especially when the complainant has no objection to the quashing of the

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FIR, which was registered at his behest. In the light of the compromise, which has been found to be genuine and keeping in view the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab, 2014 (2) RCR (Criminal) 482** and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Criminal) 1052** and **Crl. Appeal No. 1723 of 2017 titled as Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, the present petition is allowed. FIR No.51 dated 06.08.2016 (Annexure P-1) under Sections 323, 324, 326, 148, and 149 IPC registered at Police Station Dera baba Nanak and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

[AUGUSTINE GEORGE MASIHI]
JUDGE

30.04.2018
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No