

266/A.

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

CRM-M-18000-2018

Date of decision:13.08.2018

VIJAY KUMAR AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manoj K. Sharma, Advocate,
for the petitioners.

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

None 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 DDR No.45 dated 08.03.2017 under Section 325, 323, 148, 149 IPC in 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-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.03.2018 (Annexure P-3).

This Court vide order dated 01.05.2018 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.

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.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Gurpal Singh as well as respondent No.3-Jaspal and respondent No.4-Virsa Singh, but no prejudice would be caused to them as they have already made their joint statement with regard to compromise before learned Magistrate on 15.05.2018. The same is reproduced as under:-

“Stated that the present cross-version having DDR no.45 dated 08.03.2017 u/s 325, 323, 148, 149 IPC in FIR No.36 dated 25.07.2016 u/s 326, 324, 323, 148, 149 IPC was registered against accused Vijay Kumar, Budhu Ram, Ram Lal @ Ram Dass, Robin Kumar @ Robin Singh, Piara Lal and Mohan Lal on the statement of Gurpal Singh. 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 cross-version Rapat no.45 dated 08.03.2017 u/s 325, 323, 148, 149 IPC in 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 FIR No.36 dated 25.07.2016 u/s 326, 324, 323, 148, 149 IPC, which is the cross-version of the present DDR No.45 dated 08.03.2017 u/s 325, 323, 148, 149 IPC both registered at PS Qadian, there is no other case pending against us in any court of law.”

Learned State counsel has 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.45 dated 08.03.2017 under Section 325, 323, 148, 149 IPC in 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-2) 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