

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-18506 of 2018

Date of Decision: 15.12.2018

Baldev Singh & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Manjit Singh Sidhu, Advocate
for the petitioners.

Mr. K.S. Aulakh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.27 dated 28.03.2018 under Sections 452, 336, 148, 149 IPC and Sections 25 and 27 Arms Act registered at Police Station Jhabal, District Tarn Taran along with all subsequent proceedings arising therefrom on the basis of compromise dated 06.04.2018 (Annexure P-2).

This Court vide order dated 18.09.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Additional Chief Judicial Magistrate, Tarn Taran and got their statements recorded. Learned Magistrate has forwarded her report dated 29.11.2018 to the effect that the compromise appears to be genuine and is voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner.

Though no one has put in appearance on behalf of respondent no.2-complainant Surjit Singh, but his statement made before learned Magistrate reads as under:-

“Stated that I am complainant in the present case. I and accused Baldev Singh S/o Gian Singh, Jaspal Singh S/o Pargat Singh, Gurmanbir Singh S/o Baldev Singh, Amritpal Singh S/o Gurdev Singh, Lakhwinder Singh S/o Gian Singh, Shamsher Singh S/o Pargat Singh and Haverdeep Singh S/o Lakhwinder Singh All R/o Village Padhri Khurd, Tehsil and District Tarn Taran have effected the compromise and I am satisfied with the compromise. The compromise effected between me and accused Baldev Singh S/o Gian Singh, Jaspal Singh S/o Pargat Singh, Gurmanbir Singh S/o Baldev Singh, Amritpal Singh S/o Gurdev Singh, Lakhwinder Singh S/o Gian Singh, Shamsher Singh S/o Pargat Singh and Haverdeep Singh S/o Lakhwinder Singh all R/o Village Padhri Khurd, Tehsil & District Tarn Taran is with our free and sweet will and without any pressure. As per our compromise, I do not want to further proceed in the present case against abovesaid accused Baldev Singh, Jaspal Singh, Gurmanbir Singh, Amritpal Singh, Lakhwinder Singh, Shamsher Singh and Haverdeep Singh all R/o Village Padhri Khurd, Tehsil & District Tarn Taran. If the present case as well as the proceedings arising from the above said FIR are quashed and above said accused Baldev Singh S/o Gian Singh, Jaspal

Singh S/o Pargat Singh, Gurmanbir Singh S/o Baldev Singh, Amritpal Singh S/o Gurdev Singh, Lakhwinder Singh S/o Gian Singh, Shamsher Singh S/o Pargat Singh and Haverdeep Singh S/o Lakhwinder Singh, all R/o Village Padhri Khurd, Tehsil & District Tarn Taran are acquitted/discharged from the present case, I have no objection for the same. The present compromise effected between us is without any pressure or coercion and it is genuine one.”

Learned State counsel does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.27 dated 28.03.2018 under Sections 452, 336, 148, 149 IPC and Sections 25 and 27 Arms Act registered at Police Station Jhabal, District Tarn Taran along with all subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise (Annexure P-2).

December 15, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`