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

CRM-M-18555-2016 (O&M)

Date of decision:13.08.2018

BALWINDER SINGH @ BUA AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rishu Mahajan, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
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 F.I.R. No.53 dated 22.06.2015 registered under Sections 326, 325,324, 323, 148, 149 IPC at Police Station Majitha, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.10.2015 (Annexure P-2).

This Court vide order dated 26.05.2016 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. Again vide order dated 05.09.2016, one more opportunity was granted to the parties and they were directed to appear before the Illaqa Magistrate to record their statements.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.11.2016 to the effect that the compromise effected between the parties is genuine, voluntary and without any threat or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Manjit Kaur, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 17.09.2016. The same is reproduced as under:-

“Stated that the present FIR was registered at my instance against accused Balwinder Singh, Lovepreet Singh, Gurdas Singh, Kashmir Kaur, Bakshish Singh and Baljinder Singh. Now I have compromised the matter with all the accused present in the court today. The compromise is voluntary, without any threat, pressure or coercion from any person. It is submitted that the FIR and the criminal proceedings may kindly be quashed by the Hon'ble High Court on the basis of compromise. As per my information, none of the accused was ever declared as Proclaimed Offender.”

Apart from above, similar statements have also been made by respondents No.3 and 4, namely, Jagtar Singh and Sarabjit Singh, whereby they have shown no objection to the FIR being quashed.

Learned State counsel has not disputed the factum of compromise between the parties. He, on instructions from SI Sukhdev Singh, states that even the police has prepared the untraced report on 05.02.2015.

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.53 dated 22.06.2015 registered under Sections 326, 325,324, 323, 148, 149 IPC at Police Station Majitha, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.10.2015 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.08.2018
sanjeev

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