

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

**CRM-M-19709-2018
Date of decision:29.11.2018**

Vishwanath and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Jagdeep Singh Rana, Advocate
for the petitioners.

Mr. A.S. Sandhu, Addl. A.G., Punjab
for respondent No.1.

Ms. Mehak Sawhney, Advocate
for respondents No.2 and 3.

GURVINDER SINGH GILL, J. (ORAL)

The petitioners seeks quashing of criminal complaint No.SC
2-15 dated 09.03.2015 under Sections 323, 324, 427, 148, 149 and 325 of
Indian Penal Code, 1860 and proceedings emanating therefrom on the
basis of a compromise having been effected between the parties.

Vide order dated 10.05.2018 the parties had been directed to
appear before the trial Court/Illaq Magistrate so as to get the statements
recorded with regard to the genuineness of the compromise.

Report of learned Additional District & Sessions Judge,
Fatehgarh Sahib has been received wherein it has been reported that
statements of the complainant-cum-injured namely Shiv Kumar @

Shambhu and also of the accused have been recorded qua the factum of compromise. It has been opined by learned Additional District & Sessions Judge, Fatehgarh Sahib that the compromise is genuine and has been effected voluntarily and is not result of any pressure or coercion in any manner.

It may here be mentioned that apart from 6 petitioners arrayed in the petition, there is one more accused namely Amandeep alias Moni who has been arrayed as respondent No.3. However, it appears that he is not part of compromise as a perusal of the compromise deed annexed with the report of the learned Additional Sessions Judge, Fatehgarh Sahib shows that Amandeep alias Moni although named in the array of the parties but has not signed anywhere in the compromise deed.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and criminal complaint No.SC 2-15 dated 09.03.2015 under Sections 323, 324, 427, 148, 149 and 325 of Indian Penal Code, 1860 and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

**(GURVINDER SINGH GILL)
JUDGE**

29.11.2018
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No