

256.

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

CRM-M-19759-2018

Date of decision:30.08.2018.

VARINDER SINGH & ORS

... Petitioners

Versus

STATE OF PUNJAB & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Nagar Singh, Advocate,
for the petitioners.

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

Mr. Gurpreet Singh Gurna, Advocate, for
Mr. H.N.S. Gill, Advocate,
for respondent No.2 to 7.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.95 dated 10.05.2014 registered under Sections 341, 323, 324, 326, 427, 506, 148, 149 IPC at Police Station Sohana, District S.A.S. Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.03.2018 (Annexure P-2).

This Court vide order dated 30.07.2018 had directed the parties to appear before the Illaqa Magistrate/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, SAS Nagar (Mohali) and got their

statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 14.08.2018 to the effect that the compromise is genuine and valid and has been effected between the parties without any coercion or undue influence from any corner.

Learned counsel for the petitioners has pointed out that during the course of investigation, Pal Singh complainant has died but not on account of injuries received in the present case.

Respondent No.2-Paramjit Kaur who is widow of complainant has made her statement with regard to compromise before learned Magistrate on 14.08.2018. The same is reproduced as under:-

“Stated that I have compromised the matter with the accused persons namely Varinder Singh S/o Bahadur Singh, Amrik Singh S/o Garja Singh, Garja Singh S/o Ajmer Singh, Jaswinder Singh alias Kaka Singh S/o Jarnial Singh, Gurdeep Singh S/o Garja Singh, Jarnail Singh S/o Ajmer Singh, all residents of Village Matran Tehsil and District Mohali as per compromise deed Ex.D1. The compromise has been effected out of my free will and consent and without any pressure and inducement from any corner. I have seen the photocopy of the compromise placed on the judicial file of this Hon'ble Court and I identify my signatures on the same which is Ex.D1. I produced photocopy of my Aadhar Card which is Ex.D2. I have no objection if FIR No.95 dated 10.05.2014 of this case registered against the above named accused be quashed by the Hon'ble High Court.”

Apart from above, similar statements have been made by respondents No.3 to 7, namely, Darshan Singh, Rupinder Singh, Kamaljit Singh, Gurjant Singh and Mahinder Singh respectively, whereby they have

shown no objection to the FIR being quashed.

Learned State counsel has not disputed the factum of compromise between the parties. Learned counsel for respondents No.2 to 7 also does not dispute the fact that Pal Singh died due to a different reason and not because of the injuries suffered in the present case. He admits 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 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.95 dated 10.05.2014 registered under Sections 341, 323, 324, 326, 427, 506, 148, 149 IPC at Police Station Sohana, District S.A.S. Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.03.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.08.2018
sanjeev

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