

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

266

CRM-M-20161-2018

Date of Decision:31.07.2018

Rinku alias Jaswinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

**Present: Mr. Chanderhas Yadav, Advocate,
for the petitioners.**

Mr. SPS Tinna, Additional Advocate General, Punjab.

Ms. Manpreet Kaur, Advocate, 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 FIR No.13 dated 21.2.2018 under Sections 451, 325, 323, 148, 149 IPC, registered at Police Station Naya Gaon, District SAS Nagar, Mohali (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.04.2018 (Annexure P-2).

This Court vide order dated 11.05.2018 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, Kharar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

compromised the matter. The compromise is genuine, voluntarily and out of free will of the parties.

Respondents No.2 to 4, namely, Nikunj Bhatia, Rajni Bhatia and Prince Kumar, have made a joint statement with regard to compromise before learned Magistrate on 31.05.2018. The same is reproduced as under:-

“Stated that we have compromised the matter in dispute with the accused namely Rinku @ Jaswinder Singh son of Paramjeet Singh, R/o H. No. 395/B, Adarsh Nagar, Naya Gaon, Tehsil Kharar, District SAS Nagar, Mohali. 2. Gurjant Singh @ Jainta son of Parmjeet Singh, R/o H. No. 395/B, Adarsh Nagar, Naya Gaon, Tehsil Kharar, District SAS Nagar, Mohali. 3. Harpreet Singh son of Keshar Singh, R/o H. No. 171, Balmik Mandir, Naya Gaon, Tehsil Kharar, District SAS Nagar, Mohali. 4. Avtar Singh son of Nishan Singh, R/o H. No. 2996/Block 12, Adarsh Nagar, Naya Gaon, Tehsil Kharar, District SAS Nagar, Mohali. 5. Roshan son of Sunder Lal, R/o H. No. 121, Near Khera, Village Nada, Tehsil Kharar, District SAS Nagar, Mohali, out of our free will without any coercion, inducement, threat or pressure. We have registered the FIR No.13, dated 21.02.2018, U/s 451, 325, 323, 148, 149 IPC, P.S. Naya Gaon, against the above-said accused, but as now, the compromise effected between us. So we have no objection if the above-said FIR and the consequential proceedings are quashed against the above-said accused persons, in the interest of justice. Inadvertently the name of Nikunj Bhati was mentioned instead of Nikunj Bhatia in the petition filed by accused person in the Hon'ble Punjab and Haryana High Court. Copy of addhar card Ex.C1 to Ex.C3 are also annexed (original seen and returned).”

Learned State counsel as well as learned counsel for respondents No.2 to 4 have 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 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 FIR No.13 dated 21.2.2018 under Sections 451, 325, 323, 148, 149 IPC, registered at Police Station Naya Gaon, District SAS Nagar, Mohali (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 23.04.2018 (Annexure P-2).

July 31, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No