

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

**CRM-M-21658-2017
Date of decision:13.07.2018**

Hardeep Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Akshay Rana, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab
for respondent No.1.

Mr. Karam Padam, Advocate
for respondent No.2.

GURVINDER SINGH GILL, J. (ORAL)

The petitioners seek quashing of FIR No. 113 dated 28.05.2017 under Sections 452, 323, 382, 506, 435, 149 of the Indian Penal Code, 1860, Police Station Sadar Ludhiana, District Ludhiana and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 01.05.2018 the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get the statements

recorded.

Report of learned Judicial Magistrate Ist Class, Ludhiana had been received wherein it had been reported that statement of complainant-Kuldeep Singh and also of the accused have been recorded. As per the statement of complainant-Kuldeep Singh, the matter had been settled and a compromise had been effected between him and other members of his family with the accused Hardeep Singh and Amandeep Singh and their ten accomplices and that same was reduced into writing. It has further been stated by the complainant that he has no objection in case present FIR in question is quashed.

Though I do find that in the FIR there are specific allegations that accused had given fist blows to Charanjit Kaur and Mukhtiar Singh who had come forward to save complainant, but I find that said Charanjit Kaur and Mukhtiar Singh are none-else but parents of the complainant. Since the complainant in his statement recorded before learned Judicial Magistrate Ist Class, Ludhiana had specifically stated that a compromise had been effected amongst him and other members of his family with the accused, therefore, this Court does not find any reason to doubt the factum of compromise especially since learned Judicial Magistrate Ist Class, Ludhiana has opined that in her opinion the compromise is genuine and has been effected between the parties voluntarily, genuinely and without any coercion or undue influence and with the free will of both the parties.

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 stands allowed and FIR No. 113 dated 28.05.2017 under Sections 452, 323, 382, 506, 435, 149 of the Indian Penal Code, 1860, Police Station Sadar Ludhiana, District Ludhiana and all the consequent proceedings arising therefrom are hereby quashed.

13.07.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reportable? **Yes / No**

Whether reasoned / speaking? **Yes / No**