

289.

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

CRM-M-22659-2018

Date of decision:20.11.2018.

HARDAVINDER SINGH @ KALA SINGH AND OTHERS ... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Jagraj Singh Khiva, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

Mr. H.S. Kotli, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.42 dated 22.05.2014 registered under Sections 308, 148, 149 of IPC at Police Station City Budhlada, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.04.2018 (Annexure P-2).

This Court vide order dated 24.05.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.06.2018 to the effect that the compromise effected between the parties appears to be genuine and without any pressure or coercion.

Respondent No.2-complainant, namely, Ashok Kumar has made his statement with regard to compromise before learned Magistrate on 01.06.2018. The same is reproduced as under:-

“Stated that present FIR against accused was registered at my instance being complainant under sections 308, 148 & 149 of Indian Penal Code. However due to intervention of panchayat and respectable persons of society, I have effected compromise with accused. I have left with no grudge with the accused and I have entered into compromise with my own sweet will without any pressure. I have no objection if FIR No.42 dated 22.05.2014 under Section 308, 148 & 149 of IPC, PS City Budhlada is quashed by the Hon'ble High Court.”

Learned State counsel as well as learned counsel for respondent No.2 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 F.I.R. No.42 dated 22.05.2014 registered under Sections 308, 148, 149 of IPC at Police Station City

arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.04.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.25,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

20.11.2018
sanjeev

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