

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

**CRM-M-25024-2017  
Date of decision:17.09.2018**

Binder and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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**CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL**

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Present: A.S. Barnala, Advocate  
for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

Mr. Kuldip Singh Chaudhary, Advocate  
for respondents No.2 to 4.

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**GURVINDER SINGH GILL, J. (ORAL)**

The petitioners seek quashing of FIR No.81 dated 06.07.2010 under Sections 323, 325, 506, 447, 511, 148, 149 of Indian Penal Code, 1860, Police Station Derabassi, District SAS Nagar, Mohali and proceedings emanating therefrom and also the judgment of conviction dated 17.10.2016 passed by learned Judicial Magistrate Ist Class, Derabassi wherein all the petitioners have been held guilty for having committed offences punishable under Sections 148, 447, 323, 325 of Indian Penal Code, 1860, on the basis of a compromise having been effected between the parties.

Vide order dated 09.03.2018 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 Sessions Judge, S.A.S. Nagar (Mohali) has been received wherein it has been reported that statements of Ram Kumar-complainant as well as injured Dharam Pal and Jagpal have been recorded, in which they have categorically stated that they have compromised the matter with the accused out of their free will and with the intervention of family and villagers. To a similar effect are the statements of the petitioners. Learned Additional Sessions Judge has specifically opined that the compromise is genuine and that the same has been effected without their being any undue influence or pressure.

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 FIR No.81 dated 06.07.2010 under Sections 323, 325, 506, 447, 511, 148, 149 of Indian Penal Code, 1860, Police Station Derabassi, District SAS Nagar, Mohali and proceedings emanating therefrom and also the judgment of conviction dated 17.10.2016 passed by learned Judicial Magistrate Ist Class, Derabassi wherein all the petitioners have been held guilty for having committed offences punishable under sections 148, 447, 323, 325 of Indian Penal Code, 1860 are hereby quashed.

( GURVINDER SINGH GILL)  
JUDGE

17.09.2018  
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No