

266.

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

I. CRM-M-26211-2018
Date of decision:22.11.2018

NIRMAL SINGH AND ORS ... Petitioners

versus

STATE OF PUNJAB AND ANR Respondents

II. CRM-M-26213-2018

BALJINDER KAUR AND ORS ... Petitioners

versus

STATE OF PUNJAB AND ANR Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

This order shall dispose of two petitions i.e. ***CRM-M-26211-2018*** titled as ***Nirmal Singh and others Versus State of Punjab and another*** and ***CRM-M-26213-2018*** titled as ***Baljinder Kaur and others Versus State of Punjab and another.***

In CRM-M-26211-2018, petitioners have sought quashing of
FIR No.28 dated 09.04.2017 registered under Sections 326, 325, 452, 427,
324, 148, 149 of IPC at Police Station Sarhali, District Tarn Taran

(Annexure P-1), whereas in CRM-M-26213-2018, the petitioners have sought quashing of cross version registered vide DDR No.25 dated 30.04.2017 under Sections 326, 323, 148, 149 of IPC at Police Station Sarhali, District Tarn Taran (Annexure P-1) in FIR No.28 dated 09.04.2017 under Sections 326, 325, 452, 427, 324, 148, 149 of IPC, Police Station Sarhali, District Tarn Taran and all subsequent proceedings arising therefrom on the basis of compromise dated 06.04.2018 (Annexure P-3).

This Court vide order dated 02.07.2018 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, Tarn Taran and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.08.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant in both the cases, but no prejudice would be caused to them as they have already made their statements with regard to compromise before learned Magistrate on 02.08.2018.

The statement of Baljinder Kaur, complainant in CRM-26211-2018, who is arrayed as respondent No.2, reads as under:-

“Stated that I had got registered one FIR bearing no.28 dated 09.04.2017 u/s. 326/325/323/324/452/427/148/149 IPC in the police station Sarhali, Distt-Tarn Taran. Now,

I have settled the compromise with the accused person namely Nirmal Singh S/o Karnail Singh, Mehnga Singh @ Mangal Singh S/o Karnail Singh, Rashpal Singh S/o Randhir Singh, Avtar Singh S/o Nirmal Singh, Jatinder Singh S/o Piara Singh, Gopal Singh S/o Mehnga Singh, Malkit Singh S/o Baldev Singh all R/o. Village Chaudhariwala- Block Naushera Pannua-Tehsil and District- Tarn Taran with the intervention of the respectable from the locality. I have also resolved all the disputes with the all accused persons. I have compromised the matter with the all accused persons voluntarily and without any pressure, coercion or undue influence. I do not have any objection if the present FIR is quashed by Hon'ble PB & Haryana High Court, Chandigarh, on the basis of compromise arrived between me and all accused persons. That no accused in present case has ever been declared proclaimed offender.”

From the aforesaid statement, it is clear that Baljinder Kaur has made statement with regard to compromise with all the accused-petitioners except petitioner No.6-Piara Singh.

Similarly in CRM-M-26213-2018, the complainant-Nirmal Singh has made his statement with regard to compromise before learned Magistrate on 02.08.2018. The same is reproduced as under:-

“Stated that I had got registered one DDR no.25 dated 30.04.2017 u/s. 326/323/148/149 IPC in the police station Sarhali, Distt-Tarn Taran. Now, we have settled the

compromise with the accused person Baljinder Kaur wife of Mandeep Singh R/o. Village Chaudhariwala-Block Naushera Pannua-Tehsil and District-Tarn Taran with the intervention of the respectable from the locality. We have also resolved all the disputes with the accused person. We have compromised the matter with the accused person voluntarily and without any pressure, coercion or undue influence. We do not have any objection if the present FIR is quashed by Hon'ble PB & Haryana High Court, Chandigarh, on the basis of compromise arrived between me and accused person. That no accused in present case has ever been declared proclaimed offender.”

Learned State counsel does not dispute the very 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 cases.

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**, both the petitions are allowed and FIR No.28 dated 09.04.2017 registered under Sections 326, 325, 452, 427, 324, 148, 149 of IPC at Police Station Sarhali, District Tarn Taran (Annexure P-1) and DDR No.25 dated 30.04.2017 registered under Sections 326, 323, 148, 149 of IPC at Police Station Sarhali, District Tarn Taran (Annexure P-1) in FIR No.28 dated

Station Sarhali, District Tarn Taran, and all subsequent proceedings arising therefrom are quashed qua the petitioners in both cases (except petitioner No.6-Piara Singh in CRM-M-26211-2018), on the basis of compromise dated 06.04.2018 (Annexure P-3). The petition qua petitioner No.6-Piara Singh is dismissed as the complainant has not made any statement qua compromise with him. However, liberty is granted to the petitioner No.6-Piara Singh to a file fresh petition if matter is compromised with him by the complainant.

(HARI PAL VERMA)
JUDGE

22.11.2018
sanjeev

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