

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

CRM-M-27288 of 2018.

Decided on:- November 02, 2018.

Harbans Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Jasbir Singh Dadwal, Advocate
for the petitioners.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.32 dated 31.05.2018 under Sections 323 and 324 read with Section 34 IPC, registered at Police Station Bhaini Mian Khan, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.06.2018 (Annexure P-2).

This Court vide order dated 04.07.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners, namely, Harbans Singh, Satnam Singh, Surinder Kaur and Kamaljit Kaur as well as respondent

No.2-complainant Amanpreet Kaur have appeared before learned Judicial Magistrate 1st Class, Gurdaspur and got their statements recorded on 06.08.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 16.08.2018 to the effect that the statements have been made by the parties voluntarily and without any pressure from any quarter and the compromise appears genuine.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Amanpreet Kaur. Though no one has put in appearance on her behalf, but no prejudice would be caused to her as she has already made a statement before learned Magistrate on 06.08.2018 in support of the compromise, which reads as under:

“Stated that FIR No.32 dated 31.05.2018 under Section 323, 324/34 IPC (section 326 IPC added later on), PS Bhaini Mian Khan has been registered against Harbans Singh s/o Satnam Singh, Satnam Singh s/o Munsha Singh, Surinder Kaur w/o Satnam Singh, Kamaljit Kaur d/o Satnam Singh all residents of village Mehre, Tehsil and District Gurdaspur on my statement. The accused have compromised the matter with me which is Ex.C1. The compromise has been effected between me and the accused persons without any pressure, threat, or coercion and with my free consent. I have no objection, if FIR No.32 dated 31.05.2018 under Section 323, 324/34 IPC (section 326 IPC added later on), PS Bhaini Mian Khan is quashed against above mentioned accused. The photocopy of my Aadhar Card is Mark-A. No challan and PO proceedings are pending against any accused. I am living amicably and happily in my matrimonial home at village Mehare Tehsil and District Gurdaspur.”

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the FIR No.32 dated 31.05.2018 under Sections 323 and 324 read with Section 34 IPC, registered at Police Station Bhaini Mian Khan, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 29.06.2018 (Annexure P-2), however, subject to payment of costs of Rs.5,000/- by the petitioner to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

November 02, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No