

291.

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

CRM-M-27584-2018

Date of decision:20.11.2018.

GURWINDER SINGH BHAGIANA @ SUNNY @ MONEY

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Avtar Singh Khinda, Advocate,
for the petitioner.

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

Mr. Harjinder Singh, Advocate, for
Mr. Munish Gulati, 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 DDR No.25 dated 27.10.2017 under Sections 323, 324, 148, 149 IPC, Police Station Bholath, District Kapurthala (Annexure P-1) in FIR No.98, dated 26.10.2017 under Sections 323, 326, 336, 148, 149, 120-B IPC and Sections 25, 27 of Arms Act, 1959, Police Station Bholath, District Kapurthala (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.05.2018 (Annexure P-3).

This Court vide order dated 13.07.2018 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, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.09.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat, coercion or pressure.

Respondent No.2-complainant, namely, Deepak @ Deepak Singh has made his statement with regard to compromise before learned Magistrate on 31.08.2018. The same is reproduced as under:-

“That I have effected compromised in DDR No.25, dated 27.10.2017 registered under section 323, 324, 148, 149 IPC, P.S. Bholath, District Kapurthala in FIR No.98 dated 26.10.2017 u/s 323, 326, 336, 148, 149, 120-B IPC and Section 25, 27 on Arms Act, PS Bholath, Distt. Kapurthala against the accused. I have compromised matter with accused namely Gurwinder Singh Bhagiana @ Sunny @ Money, aged about 25 years s/o Jagira @ Jagir Singh Bhagiana, with the intervention of respectables and Panchayat members. The correct photocopy of my Aadhar Card is Ex.C2. The matter in dispute has been compromised amicably with the intervention of respectables of Village between me and accused. In future neither I nor the accused would not take any legal action against each other. I have no objection if the present FIR be quashed. I have compromised the matter voluntarily, willingly, with my own free will and without any coercion or undue influence.”

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have not disputed the factum of compromise arrived at 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 case.

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 DDR No.25 dated 27.10.2017 under Sections 323, 324, 148, 149 IPC, Police Station Bholath, District Kapurthala (Annexure P-1) in FIR No.98, dated 26.10.2017 under Sections 323, 326, 336, 148, 149, 120-B IPC and Sections 25, 27 of Arms Act, 1959, Police Station Bholath, District Kapurthala (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 27.05.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

20.11.2018
sanjeev

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