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

CRM-M-27023-2017

Date of decision:20.08.2018

BALKAR SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. A.P.S. Tung, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondents No.1 to 3.

Mr. Ramandeep Singh, Advocate, for
Mr. G.S. Jagpal, Advocate,
for respondent No.4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.65 dated 10.06.2012 registered under Sections 452, 325, 323, 427, 295-A, 148, 149 IPC at Police Station Dera Baba Nanak, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.07.2017 & affidavit of complainant dated 19.07.2017 (Annexures P-2 & P-3 respectively).

This Court vide order dated 27.07.2017 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 learned Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.08.2017 to the effect that the compromise is genuine and the same has been effected between the parties without any pressure or coercion.

Respondent No.4-complainant, namely, Parmeet Singh has made his statement with regard to compromise before learned Magistrate on 10.08.2017. The same is reproduced as under:-

“Stated that the present FIR bearing no.65 dated 10.06.2012 registered under section 452, 325, 323, 427, 295-A, 148, 149 IPC at Police Station Dera Baba Nanak, Batala, was registered against the accused persons namely Balkar Singh, Jaimal Singh, Gurpreet Singh, Gurbhej Singh, Rajesh Kumar, Nirmal Kumar and Mohinderpal, on my statement. Now I have compromised the matter with above named accused persons with the intervention of the respectables vide compromise deed, which is lying attached with the petition filed before Hon'ble High Court. I have no objection if FIR bearing no.65 dated 10.06.2012 registered under section 452, 325, 323, 427, 295-A, 148, 149 IPC at Police Station Dera Baba Nanak, Batala, be quashed qua the above said persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C1. Further, compromise effected between me and accused persons is not having any adverse effect on the rights of any third party. One another case titled as “State Vs. Lakhwinder Kumar”, is pending between us in this court itself and in respect of that matter, a separate petition U/s 482 Cr.P.C. was filed before Hon'ble High Court for quashing of FIR on the basis of compromise and the same is fixed for 16.08.2017. I have not been declared as proclaimed person/offender by any court of law.”

Learned State counsel as well as learned counsel appearing on behalf of complainant-respondent No.4 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.65 dated 10.06.2012 registered under Sections 452, 325, 323, 427, 295-A, 148, 149 IPC at Police Station Dera Baba Nanak, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 14.07.2017 & affidavit of complainant dated 19.07.2017 (Annexures P-2 & P-3 respectively).

(HARI PAL VERMA)
JUDGE

20.08.2018

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