

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

262/A

Date of decision: 17.01.2018

CRM-M-28299-2017

Ajit Singh son of Waryam Singh

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CRM-M-28134-2017

Ajit Singh son of Gurmukh Singh

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rakesh Kumar, Advocate,
for the petitioner in CRM-M-28299-2017,
for respondent No. 2 in CRM-28134-2017.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State-respondent No. 1.

Mr. Navjot Singh, Advocate,
for the petitioner in CRM-M-28134-2017,
for respondent No. 2 in CRM-28299-2017.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to decide two petitions i.e. CRM-M-28299-2017 titled as **Ajit Singh son of Waryam Singh vs. State of Punjab and another** and CRM-M-28134-2017 titled as **Ajit Singh son of Gurmukh Singh vs. State of Punjab and another**.

Petitioners have approached this Court for quashing of FIR No.

88 dated 01.10.2015 under Sections 323/452/34 IPC and under Section 325

IPC added subsequently, Police Station Begowal, District Kapurthala and all consequential proceedings arising therefrom in the light of the compromise dated 03.11.2015/04.11.2015 (Annexure P-4 Colly) and Rapat No. 23 dated 01.10.2015, under Sections 323/324/34 IPC, Police Station Begowal, District Kapurthala and all consequential proceedings arising therefrom on the basis of compromise referred to above.

On 04.08.2017, when the case was taken up for hearing, upon notice of motion having been issued, counsel had put in appearance on behalf of the respondents respectively who were counsel for the petitioners in the petitions as well. They had together stated that there is a compromise between the parties and had acknowledged the same, on the basis of which, a direction was issued to the parties to appear before the trial Court for recording their statements on the basis of the compromise, referred to above, and a direction was issued to the trial Court to submit a report regarding the genuineness of the compromise asserted by the parties.

In pursuance to the order passed by this Court, the statements of the parties have been recorded by the Judicial Magistrate Ist Class, Kapurthala. In pursuance to the statements, so recorded, the Judicial Magistrate Ist Class, Kapurthala has submitted her report, wherein it has been stated that the compromise is genuine and has been amicably effected between the parties. It has further been stated that the compromise has been effected due to intervention of the respectables of the village.

Counsel for the parties further submit that the parties are relatives to each other and are co-villagers as well and, therefore, have amicably decided to settle the dispute between them. They are living together amicably. They, therefore, pray that FIR and the Cross Version

along with all consequential proceedings arising therefrom be quashed.

Having considered the submissions made by the counsel for the parties and having gone through the report of the Judicial Magistrate Ist Class, Kapurthala, this Court is satisfied with the compromise entered into between the parties having without any coercion, undue influence or pressure. The compromise has been entered into between the parties for the interest of the society and they being relatives have amicably decided to settle their differences.

Keeping in view the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, these petitions are allowed. FIR No. 88 dated 01.10.2015 under Sections 323/452/34 IPC and under Section 325 IPC added subsequently, Police Station Begowal, District Kapurthala and all consequential proceedings arising therefrom in the light of the compromise dated 03.11.2015/04.11.2015 (Annexure P-4 Colly) and Rapat No. 23 dated 01.10.2015, under Sections 323/324/34 IPC, Police Station Begowal, District Kapurthala and all consequential proceedings arising therefrom are hereby quashed.

January 17, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No