

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CRM-M-29358-2016

Date of Decision:26.09.2018

Roop Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Vikas Gupta, Advocate,
for the petitioners.**

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

**Mr. Minkal Thatai, Advocate for
Mr. Gurpreet Singh, 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 FIR No.25 dated 02.03.2016 under Section 326/324/34 IPC, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 10.08.2016 (Annexure P-2).

This Court vide order dated 24.08.2016 had directed the parties to appear before the Illaqa 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 1st Class, Patti and got their statements recorded.

On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.10.2016 to the effect that the parties have compromised the matter with their free will and the same is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-Complainant, namely, Kashmir Kaur, has made a statement with regard to compromise before learned Magistrate on 05.09.2016. The same is reproduced as under:-

“Stated that I have compromised the matter with accused (i) Roop Singh son of Gurvail Singh, (ii) Jaswinder Kaur wife of Roop Singh, (iii) Bassant Singh son of Gurvail Singh, all resident of village Pahula Tehsil Patti, District Tarn Taran in above said FIR No.25 dated 02.03.2016 Police Station Bhikiwind. Now I have reached compromised with above named accused with the intervention of respectable people. We have brought the original compromise dated 10.08.2016 along with affidavit of Kashmir Kaur. Copy of same is mark-A. Copy of this compromise is also attached with petition filed before Honourable Punjab and Haryana High Court, Chandigarh. The above said compromise is entered into genuinely, voluntarily and without any pressure and coercion or undue influence. I and accused persons shall live peacefully in future. I have no objection, if present FIR along with other proceedings against above said accused be quashed.”

Learned State counsel as well as learned counsel for respondent No.2 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

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 FIR No.25 dated 02.03.2016 under Section 326/324/34 IPC, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 10.08.2016 (Annexure P-2).

September 26, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No