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

CRM-M-29449-2018

Date of decision:25.09.2018.

KARMJEET SINGH & ORS

... Petitioners

Versus

STATE OF PUNJAB & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Abhay Gupta, Advocate,
for the petitioners.

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

Mr. Rohit Singla, Advocate,
for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.223 dated 04.11.2014 registered under Sections 323, 341, 342, 365, 427, 148, 149 IPC and under Section 61/1/14 of Excise Act at Police Station Machhiwara, Police District Khanna (Annexure P-1) including the chargesheet for the offences under Sections 323, 341, 342, 365, 427, 148, 149 IPC and all subsequent proceedings arising therefrom on the basis of compromise dated 31.05.2018 (Annexure P-2).

This Court vide order dated 17.07.2018 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, Samrala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.07.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat or coercion.

Respondent No.2-complainant, namely, Jagtar Singh as well as respondent No.3-Karamjit Singh have made a joint statement with regard to compromise before learned Magistrate on 23.07.2018. The same is reproduced as under:-

“Stated that the present case bearing FIR No.223 dated 04.11.2014, u/ss-148/323/341/342/365/427 IPC read with Section 149 IPC, P.S. Machhiwara Sahib, District Ludhiana was registered on my statement (Jagtar Singh) against accused/petitioners namely Devinder Singh son of Gurdial Singh, Palwinder Singh @ Kulwinder Singh son of Ajmer Singh, Karamjit Singh son of Swaran Singh, Rajan Verma son of Narinderpal Verma and Gurdeep Singh @ Deepa son of Darshan Singh. Now, with the interventions of respectable and friends of both the parties we have effected compromise with each other. The compromise is genuine, without any pressure or coercion, voluntary with our free consent and will. We shall have no objection if the FIR and subsequent proceedings are quashed against the accused/petitioners. We have also no objection if accused/petitioners are discharged/acquitted. The copy of the compromise is Ex.PX.”

Learned State counsel does not dispute the factum of compromise between the parties. However, he, on instructions from HC Harvinder Singh, states that in the aforesaid FIR, petitioners have not been charged for the offence under Section 61/1/14 of Excise Act.

Learned counsel appearing on behalf of respondents No.2 and 3 also does not dispute the factum of compromise entered 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.223 dated 04.11.2014 registered under Sections 323, 341, 342, 365, 427, 148, 149 IPC and under Section 61/1/14 of Excise Act at Police Station Machhiwara, Police District Khanna (Annexure P-1) including the chargesheet for the offences under Sections 323, 341, 342, 365, 427, 148, 149 IPC and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 31.05.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

25.09.2018
sanjeev

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