

267.

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

CRM-M-28592-2017

Date of decision:16.07.2018.

GURPREET SINGH AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manpreet Singh, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

Mr.Bikramjeet Singh Sidhu, Advocate, for
Mr. Parampreet Singh Brar, Advocate,
for respondent Nos.2 to 5.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.42 dated 17.03.2017 under Sections 323, 148, 149 IPC, registered at Police Station Baghapurana, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.03.2017 (Annexure P-2).

This Court vide order dated 08.08.2017 had directed the parties to appear before the 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 Sub Divisional Judicial Magistrate, Baghapurana, District Moga and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.08.2017 to the effect that the compromise has been effected between the parties without any pressure or compulsion and with their free will.

Respondent No.2-complainant, namely, Basant Singh has made his statement with regard to compromise before learned Magistrate on 22.08.2017. The same is reproduced as under:-

“Stated that I have lodged a criminal case against the accused the detail of which is mentioned above. With the intervention of the respectables there arrived a compromise between me, other injured and the accused party. Now I do not want to proceed with the present case and I have no objection in case the quashing proceeding pending in the Hon'ble Punjab & Haryana High Court be accepted and the FIR be quashed. The compromise has been effected without any pressure or compulsion and with our free will. Today I have suffered our statement in court without any influence.”

Apart from above, a joint statement has been made by respondent Nos.3 to 5 i.e. Swaran Singh son of Mehnga Singh, Davinder Singh son of Pal Singh and Dev Singh son of Buta Singh respectively, whereby they have shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel appearing on behalf of respondent Nos.2 to 5 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to

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.42 dated 17.03.2017 under Sections 323, 148, 149 IPC, registered at Police Station Baghapurana, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.03.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

16.07.2018
sanjeev

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