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

CRM-M-30141-2018

Date of decision:27.09.2018.

PREM SINGH AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Anupama Arigala, Advocate, for
Mr. Veneet Sharma, Advocate, for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Sandeep Sharma, 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.176 dated 27.09.2014 registered under Sections 326, 324, 323, 148, 149 IPC at Police Station Chatiwind, Amritsar Rural, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavits dated 11.07.2018 and 05.07.2018 (Annexures P-2 & P-3).

Power of attorney filed on behalf of respondents No.2 and 3 in court today, is taken on record.

This Court vide order dated 19.07.2018 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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.09.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Harpreet Singh has made his statement with regard to compromise before learned Magistrate on 17.08.2018. The same is reproduced as under:-

“Stated that on my statement one criminal case in the shape of FIR no.176 dt. 27-9-2014 was registered at PS Chattiwind under section 326/323/324/148/149 of IPC against Prem Singh, Baljit Singh, Avtar Singh, Nanak Singh, Satnam Singh and Harwant Singh all the accused persons present in the court today. However, now with the intervention of respectables the matter has been compromised in an amicable way and we have decided to bury our hatchets and ill feelings once and for all and live a life of peace and harmony in the future. Accordingly, I have no objection if the present FIR registered against all the accused persons is quashed and all the accused persons are discharged or acquitted accordingly. I have entered into compromise with the accused persons out of my free will and without any sought of misrepresentation, threat, coercion or duress. I have suffered my statement today in the court out of my free will and without any sought of threat to me or any of my family member in a sound disposing mind. I undertake to remain bound my statement.”

A similar statement has been made by the co-victim, namely, Pardeep Singh i.e. respondent No.3 whereby he has shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondents No.2 and 3 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.176 dated 27.09.2014 registered under Sections 326, 324, 323, 148, 149 IPC at Police Station Chatiwind, Amritsar Rural, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavits dated 11.07.2018 and 05.07.2018 (Annexures P-2 & P-3).

(HARI PAL VERMA)
JUDGE

27.09.2018

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