

252.

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

CRM-M-30126-2017

Date of decision:05.12.2018

BALJIT SINGH & ORS

... Petitioners

versus

STATE OF PUNJAB & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Baltej Singh Sidhu, Advocate,
for the petitioners.

Mr.N.K. Banka, DAG, Punjab,
for respondent No.1.

Mr.Tarun Jhatta, Advocate,
for respondents No.2 & 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.167 dated 09.11.2016 registered under Sections 452/323/148/149 of IPC (Sections 308 and 325 of IPC added lateron) at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.07.2017 (Annexure P-2).

This Court vide order dated 18.08.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the Illaqa Magistrate/trial Court was directed to send its report qua the genuineness of the compromise. However, on 18.08.2017, due to curfew imposed in District Malout, the parties could not appear before the

learned Magistrate and vide order dated 28.11.2017, parties were again directed to appear before the trial Court to get their statements recorded in support of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Malout and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.02.2018 to the effect that the compromise has been effected between the parties voluntarily and without any threat, coercion.

Respondent No.2-complainant, namely, Major Singh as well as Charanjeet Kaur-respondent No.3 have made a joint statement with regard to compromise before learned Magistrate on 12.12.2017. The same is reproduced as under:-

“It is submitted that present FIR has been registered on the basis of my statement against accused Baljit Singh aged about 27 years, son of Darshan Singh, Jaspinder Singh @ Jassa aged about 30 years, son of Pappu Singh, Bohar Singh aged about 27 years, son of Harchand Singh, Mohan Lal aged about 26 years, son of Rampartap, Gurmeet Singh @ Geeta Singh, aged about 23 years, son of Pal Singh, Harmeet Singh aged about 29 years, son of Major Singh, Kuljeet Singh aged about 24 years, son of Iqbal Singh, Amandeep Singh aged about 25 years, son of Dharampal Singh, Mandeep Singh aged about 25 years, son of Tahil Singh, Veerpal Kaur aged about 46 years, wife of Pappu Singh, Angrej Kaur aged about 64 years, wife of Gurdev Singh, all residents of village Bhattiwala, Tehsil Malout, District Sri Muktsar Sahib, today present in the court. Now, with the intervention of the respectable, we have arrived into compromise with accused. The matter have been amicably decided between us. Nothing is due towards with each other. We do not want to pursue with the present case against the accused. The compromise is voluntarily without any pressure, coercion and is with my free will. We have left no grudge against accused because we are living in same village and in same locality. We have no objection if the present FIR is quashed and accused are acquitted.”

Learned State counsel, on instructions from HC Jatinder Singh, states investigation in the case is going on and challan is yet to be presented. However, he as well as learned counsel for respondents No.2 & 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.167 dated 09.11.2016 registered under Sections 452/323/148/149 of IPC (Sections 308 and 325 of IPC added lateron) at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 07.07.2017 (Annexure P-2), however, that would be subject to payment of costs of Rs.22,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

05.12.2018
sanjeev

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