

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

260

CRM-M-30592-2017

Date of Decision:20.07.2018

Balwinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. T.P.S. Tung, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab,
for respondent Nos.1 to 3.

Mr. G.S. Jagpal, Advocate,
for respondent No.4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.56 dated 23.07.2013 under Sections 326, 323, 148, 149 IPC, registered at Police Station Qila Lal Singh, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.08.2017 (Annexure P-2).

This Court vide order dated 21.08.2017 had directed the parties to appear before the trial Court to get their statements recorded and the learned trial court 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, Batala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.10.2017 to the effect that the parties have compromised the matter with their own free consent. The compromise effected between the parties is genuine, which is not the result of any pressure or coercion. The complainant has no objection if the FIR in question is quashed.

Respondent No.4-Complainant, namely, Gurnam Singh, has made a statement with regard to compromise before learned Magistrate on 26.09.2017. The same is reproduced as under:-

“Stated that the present FIR bearing No.56 dated 23.07.2013 under section 326, 323, 148 & 149 IPC, was registered at Police Station Qila Lal Singh, Batala against the accused persons namely Balwinder Singh, Sawinder Singh, Balkar Singh and Satnam Singh along with unidentified persons on my statement. Out of them, accused Satnam Singh has been declared as proclaimed person in this case. Now I have compromised the matter with all the accused persons with the intervention of the respectables vide compromise deed, which is attached with the main petition filed before the Hon'ble High Court and the said compromise is unconditional. I have no objection if FIR bearing No. 56 dated 23.07.2013 under section 326, 323, 148 & 149 IPC, registered at Police Station Qila Lal Singh, Batala, be quashed qua all the above said persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C1. Further, the compromise effected between me and accused persons is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.”

Learned State counsel as well as learned counsel for respondent

No.4 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 FIR No.56 dated 23.07.2013 under Sections 326, 323, 148, 149 IPC, registered at Police Station Qila Lal Singh, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 01.08.2017 (Annexure P-2).

July 20, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No