

257.

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

CRM-M-32624-2018

Date of decision:26.09.2018

SUKHCHAIN SINGH @ CHAINI SINGH AND ORS ... Petitioners

versus

STATE OF PUNJAB AND ANR Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurpreet Singh Sandhu, Advocate,
for the petitioners.

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

Mr. Harpal Singh Sidhu, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0044 dated 08.06.2017 registered under Sections 295, 365, 436, 506, 148, 149, 323 IPC at Police Station Balianwali, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.06.2018 (Annexure P-2).

This Court vide order dated 02.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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, Phul and got their statements recorded.

report dated 16.08.2018 to the effect that the compromise has been effected between the parties voluntarily, without any pressure, threat or coercion.

Respondent No.2-complainant, namely, Gobind Dass has made his statement with regard to compromise before learned Magistrate on 13.08.2018. The same is reproduced as under:-

“That I have compromised the matter with all the accused persons namely Sukhchain Singh, Sadhu Singh, Amarjit Singh @ doctor, Balwinder Singh @ Binder, all resident of Mandi Kalan, District Bathinda, Punjab, and accused Mahinder Singh, Amarpal Singh, Jagpreet Singh @ Jaspreet Singh, Gurmeet Singh, Amandeep Singh, Gurwinder Singh, all resident of village Burj Kalara, Tehsil Jagraon, District Ludhiana, and accused Devinder Singh, Gurjeet Singh, Kulwinder Singh, all resident of Dandu Patti, village Machika, District Moga, due to the intervention of respectable of the society and village panchayat and FIR was registered only against the above said accused. Now there is no dispute between me and accused persons, of any kind. I am giving my statement out of my free will without any external pressure or coercion. There is no other dispute is pending between me and the accused persons. This compromise between me and accused persons is going to result in harmony between me which may improve our future relationship. I have no objection if FIR No.44 dated 08.06.2017 under section 295, 365, 436, 506, 323, 148, 149 IPC Police Station Balianwali, District Bathinda may be quashed and accused may be acquitted. Photocopy of my Aadhar card (my identity proof) is Ex.C1.”

Learned State counsel as well as learned counsel for respondent No.2 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.0044 dated 08.06.2017 registered under Sections 295, 365, 436, 506, 148, 149, 323 IPC at Police Station Balianwali, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 19.06.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

26.09.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No