

281.

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

CRM-M-32818-2018

Date of decision:22.10.2018.

JORAWAR SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

None for respondents No.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.95 dated 23.10.2013 registered under Sections 452, 326, 323, 148, 149 IPC at Police Station Sadar Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavits dated 24.07.2018 (Annexures P-2 & P-3).

This Court vide order dated 02.08.2018 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 Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 13.10.2018 to the effect that the compromise is valid and genuine and has been effected between the parties voluntarily, with their free consent, without any pressure, threat, coercion or undue influence from any quarter.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Navroj Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 31.08.2018. The same is reproduced as under:-

“Stated that I got registered above-said FIR No.95 Dated 23.10.2013 Under Sections 452, 326, 323, 148, 149 of Indian Penal Code Police Station: Sadar Batala against the accused Suchpal Singh son of Fauja Singh, Jorawar Singh son of Suchpal Singh, Salwinder Singh son of Suchpal Singh, Hartaj Singh son of Mulkha Singh, Sartaj Singh son of Mulkha Singh, Kashmir Singh son of Fauja Singh and Harpreet Singh son of Kulwant Singh, all residents of Village Bajjuman, Tehsil Batala District Gurdaspur. Accused Suchpal Singh has already expired on 02.06.2016 and copy of death certificate is EX.CA. Now with the intervention of respectables, compromise has been effected with the above said accused persons namely Jorawar Singh son of Suchpal Singh, Salwinder Singh son of Suchpal Singh, Hartaj Singh son of Mulkha Singh, Sartaj Singh son of Mulkha Singh, Kashmir Singh son of Fauja Singh and Harpreet Singh son of Kulwant Singh, all residents of Village Bajjuman, Tehsil Batala District Gurdaspur. Accused have filed quashing petition CRM-M No.32818 of 2018 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing FIR No.95 Dated 23.10.2013 Under Sections 452, 326, 323,

148, 149 of Indian Penal Code Police Station: Sadar Batala. The said compromise is legal, genuine and voluntarily effected with my free consent and without any kind of pressure, force, threat, coercion or undue influence from any quarter. Now I have no grudge against above-said accused persons and I have no objection if the present FIR be quashed against accused persons and out of them Suchpal has expired. I identify all the accused present in the Court. No accused has been declared as proclaimed offender nor any proclamation proceedings are pending against any accused. The father's name of accused Sartaj Singh is Milkha Singh and father's name of accused Kashmir Singh is Fauja Singh but in the quashing petition father's name Sartaj Singh is wrongly mentioned as Fauja Singh instead of Mulkha Singh and father's name of Kashmir Singh as Mulkha Singh instead of Fauja Singh. I have produced copy of my identity proof as Ex.C-1. I write my name as Navrose Singh but in the quashing petition my name is mentioned with spellings Navroj Singh.”

Apart from above, similar statements have been made by the victim/injured and the eyewitness, namely, Gobinda Singh, Nirmal Singh and Baljinder Singh, who are arrayed as respondents No.3 to 5 respectively, whereby they have shown no objection to the FIR being quashed.

Learned State counsel has not disputed the factum of compromise between the parties.

Heard.

The compromise deed dated 24.07.2018 reads as under:-

“We, Navroj Singh son of Baljinder Singh, Baljinder Singh son of Sajjan Singh, both residents of Village Bajjuman District Gurdaspur, Gobinda son of Dhir Singh

resident of Village Deh, District Gurdaspur and Nirmal Singh son of Shiv Singh, resident of Village Deh, District Gurdaspur (hereinafter called as first party)

AND

1. Jorawar Singh son of Suchpal Singh
2. Salwinder Singh son of Suchpal Singh
3. Hartaj Singh son of Mulkha Singh.
4. Kashmir Singh son of Fauja Singh.
5. Sartaj Singh son of Mulkha Singh.
6. Harpreet Singh son of Kulwant Singh.

All residents of Village Bajjuman, Tehsil Batala District Gurdaspur in which Gobinda Singh also received injuries in the said occurrence (hereinafter called as second party);

1. That the first party has got registered FIR No.95 dated 23.10.2013 under Section 452, 326, 323, 148, 149 IPC at P.S. Sadar Batala was registered on the statement of first party against the second party.
2. That both the parties are belong to same locality and village and with the intervention of respectable of locality and village the parties have come to terms and have arrived at a settlement by deciding to not to prosecute each other in criminal cases and finish all litigation and maintain peace and harmony in the area and maintain brotherhood amongst themselves. That both the parties are residents of one and the same village and there was no prior enmity between the parties and have cordial relations with each other.
3. That it has been decided that the parties would appear before the Hon'ble Court as and when directed for quashing of the present FIR and in the Cross Version case a cancellation report has been presented which would not be contested and would be accepted per se in light of the present settlement and would not file any other case of

damages, compensation before any other court or forum.

The grievance of both the parties i.e. party no.1 and party no.2 have been redressed. The compromise is also signed by both the parties in the present case. During the pendency of the present case accused Such Pal Singh has died. Thus proceedings qua him already stand abated.

4. That party no.1 and party no.2 undertakes not to initiate any other litigation qua the present occurrence as the same stands settled and there are no grudges.

5. That both the parties have no objection if Hon'ble High Court quashes the aforementioned FIR.

That the present compromise has been read over and understood by both the parties and have agreed to all terms and conditions and as token of correctness, they have signed the present compromise.”

In clause 3 of the compromise deed, it has been decided by the parties that they would appear before the court as and when directed for quashing of the present FIR and in the cross version case, a cancellation report has been presented which would not be contested and would be accepted per se in the light of settlement.

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.95 dated 23.10.2013 registered under Sections 452, 326, 323, 148, 149 IPC at Police Station

therefrom are quashed qua the petitioners on the basis of compromise/
affidavits dated 24.07.2018 (Annexures P-2 & P-3). The parties would be
bound by the terms of settlement.

(HARI PAL VERMA)
JUDGE

22.10.2018
sanjeev

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