

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

**CRM-M No.32963 of 2018
Date of Decision:30.10.2018.**

Gurdial Singh and others **...Petitioners**
Versus

State of Punjab and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab, for respondent No.1.

None 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.4 dated 22.01.2018 registered under Sections 324, 323, 34 IPC (Section 326 added later on 26.01.2018) at Police Station Kahnuwan, Tehsil and District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.05.2018 (Annexure P-2).

This Court vide order dated 03.08.2018 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, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.10.2018 to the effect that the compromise has

been effected between the parties without any pressure, coercion and undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Balvir Singh @ Balbir 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 with the intervention of respectables I have compromised with the accused namely Gurdial Singh son of Jaswant Singh, Gurbinder Singh son of Jaswant Singh, both residents of Village Salahpur (Dera Ghot Khurd) Tehsil and District Gurdaspur, Goldy Masih son of Prem Masih resident of Village Ghot Khurd, Tehsil and District Gurdaspur and Radhe Sham son of Godiri resident of Village Salahpur (Dera Ghot Khurd) Tehsil and District Gurdaspur in respect of case FIR No.4 of 22.01.2018, which was got registered by me against accused at Police Station Kahnuwan. The petition for quashing of present FIR has been filed by accused in the Hon'ble Punjab and Haryana High Court at Chandigarh and vide order dated 03.08.2018 of CRM-M No.32963 of 2018, the parties have been directed to record statements before this learned Court. The compromise has been effected by me without any pressure, coercion and undue influence and I have compromised with my own sweet will.”

Learned State counsel has 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.4 dated 22.01.2018 registered under Sections 324, 323, 34 IPC (Section 326 added later on 26.01.2018) at Police Station Kahnuwan, Tehsil and District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 21.05.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

October 30, 2018

Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No