

CRM-M No.33142 of 2018

Date of Decision:30.10.2018.

Palwinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Vikram Singh Kang, Advocate, for
Mr.Ritesh Pandey, Advocate for the petitioners.

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

None 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.61 dated 14.09.2015 registered under Sections 323, 341, 326, 148, 149 IPC at Police Station Sekhwan, Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.05.2018 (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, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.10.2018 to the effect that the compromise effected between the parties is genuine which is not the result of any pressure or

coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Parvej Masih @ Parvesh Masih 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:-

“That the present FIR bearing No.61 dated 14.09.2015 under Section-323, 341, 326, 148, 149 IPC, Police station-Sekhwan, Batala was registered against the accused persons namely Palwinder Singh, Kashmir Singh, Karnail Singh @ Kalu, Surjit Kaur @ Sarjeet Kaur, Tarsem Masih and Mandeep Singh @ Maghi Mashi @ Maghi on my statement. Now, I have compromised the matter with above named accused persons with the intervention of the respectables. I have no objection, if the aforesaid FIR is quashed qua the above said accused persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my Adhaar card is Ex.C1. Further, compromise effected between me and accused persons is not having any adverse effect on the rights of any third party. No any other litigation/proceedings is pending between me and accused persons in any Court of law. I have not been declared proclaimed person/offender by any court of law.

Apart from above a similar statement has been made by respondent No.3 Raji whereby she has shown no objection if the FIR is quashed.

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.61 dated 14.09.2015 registered under Sections 323, 341, 326, 148, 149 IPC at Police Station Sekhwan, Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 29.05.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

October 30, 2018

Jyoti-IV

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