

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

**CRM-M No.33281 of 2018
Date of Decision:30.10.2018.**

Balvir Singh @ Balbir 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 Cross Case registered vide Rapat No.35 dated 25.01.2018 registered under Sections 336 IPC, 25/27 of Arms Act,1959 (Annexure P-1) in FIR No. 4 dated 22.01.2018 under Sections 324, 323, 34 IPC (Section 326 added later on 26.01.2018) at Police Station Kahnuwan, Tehsil and District Gurdaspur (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.05.2018 (Annexure P-3).

This Court vide order dated 06.08.2018 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, Gurbinder 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 Balvir Singh @ Balbir Singh son of Chanan Singh R/o Village Salahpur (Dera Ghot Khurd) Tehsil and District Gurdaspur, Manjinder Singh son of Sukhrajwinder Singh R/O Village Bhitewad Tehsil and District Gurdaspur, Gurpreet Singh S/O Arjan Singh R/O Village Gohat Khrud Tehsil and District Gurdaspur, Randeep Kaur @ Ranvir Kaur D/O Balvir Singh @ Balbir Singh, Nirmaljit Kaur W/O Balvir Singh @ Balbir Singh both R/O Village Salahpur (Dera Ghot Khurd) Tehsil and District Gurdaspur, Kashmir Singh S/O Chanan Singh, Harpreet Singh S/o Kashmir Singh both R/O Village Dhindsa Tehsil and District Gurdaspur and Pargat Singh S/O Chanan Singh R/O Village Salahpur Tehsil and District Gurdaspur in respect of cross case Rapat No.35 dated 25.01.2018 in 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.33281 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 case.

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 Cross Case registered vide Rapat No.35 dated 25.01.2018 registered under Sections 336 IPC, 25/27 of Arms Act, 1959 (Annexure P-1) in FIR No. 4 dated 22.01.2018 under Sections 324, 323, 34 IPC (Section 326 added later on 26.01.2018) at Police Station Kahnuwan, Tehsil and District Gurdaspur (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 21.05.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

October 30, 2018

Jyoti-IV

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