

263.

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

CRM-M-3354-2018

Date of decision:17.07.2018

HARWINDER SINGH @ RINKU AND OTHERS ... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Mandeep Kaur, Advocate,
for the petitioners.

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

Mr. Bhupinderbir Singh Randhawa, 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.172 dated 14.11.2017 registered under Sections 323/295/427 IPC at Police Station City Batala, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.01.2018 (Annexure P-3).

This Court vide order dated 25.01.2018 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 Sub Divisional Judicial Magistrate, Batala and got their statements

submitted report dated 14.03.2018 to the effect that the compromise effected between the parties is genuine and valid.

Respondent No.2-complainant, namely, Satwant Singh has made his statement with regard to compromise before learned Magistrate on 05.03.2018. The same is reproduced as under:-

“It is submitted that FIR No.172 dated 14.11.2017, under Sections 323/295/427 IPC was got registered on my statement given to the police against accused namely (1) Harwinder Singh @ Rinku son of Kapoor Singh aged about 35 years, (2) Satnam Singh son of Kapoor Singh aged about 27 years, both residents of 451/52, Guru Amar Dass Colony, near Shastri Nagar Batala, (3) Davinder Singh @ Davinder Shah son of Jaswant Singh aged about 30 years, R/o B-49/811, Ward No.1 Maan Nagar Batala at Police Station City Batala. However, with the intervention of respectables of locality, I have arrived into compromise with accused persons copy of photostate of which is Mark A. I have entered into compromise with the accused persons out of our free will and without any pressure, coercion or undue influence from any side. I have no objection, if FIR in present case is quashed against accused namely (1) Harwinder Singh @ Rinku son of Kapoor Singh aged about 35 years, (2) Satnam Singh son of Kapoor Singh aged about 27 years, both residents of 451/52, Guru Amar Dass Colony, near Shastri Nagar Batala. (3) Davinder Singh @ Davinder Shah son of Jaswant Singh aged about 30 years, R/o B-49/811, Ward No.1 Maan Nagar Batala and I do not want to take any action against the said accused persons. Neither any case is pending in any court against me nor I am proclaimed offender in any case.”

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.172 dated 14.11.2017 registered under Sections 323/295/427 IPC at Police Station City Batala, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.01.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

17.07.2018
sanjeev

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