

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

CRM-M-33966 of 2018.

Decided on:- November 02, 2018.

Lakhwinder Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Jasbir Singh Dadwal, Advocate
for the petitioners.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

None for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.62 dated 21.05.2018 under Sections 451, 323, 148 and 149 IPC and Section 325 IPC added subsequently, registered at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar (Annexure P-6) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.07.2018 (Annexure P-7).

This Court vide order dated 09.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners, namely, Lakhwinder Singh, Des Raj, Chaman Lal, Lekh Raj and Darshan Lal as well as respondent No.2-complainant Mukesh Kumar and injured-respondent No.3 Satya Devi have appeared before learned Sub-Divisional Judicial Magistrate, Balachaur and got their statements recorded on 05.09.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 05.09.2018 to the effect that the parties suffered their statements voluntarily as they have compromised their dispute with the intervention of respectable of locality and family members.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Mukesh Kumar. Though no one has put in appearance on behalf of respondents No.2 and 3, but no prejudice would be caused to them as they have already made a statement before learned Magistrate on 05.09.2018 in support of the compromise.

The statement of respondent No.2-complainant Mukesh Kumar made before learned Magistrate on 05.09.2018 reads as under:

“I have come present as directed by Hon’ble Punjab and Haryana High Court vide order dated 09.08.2018 in CRM No.33966 of 2018 to get my statement recorded in FIR No.62 dated 21.05.2018 under Sections 451, 148 and 149 IPC and Section 325 IPC added subsequently, Police Station Kathgarh.

I am complainant of the FIR No.62 dated 21.05.2018 under Section 323, 451, 148, 149 of IPC enhanced Section 325 IPC P.S Kathgarh. In this case I and Satya Devi w/o Tarsem Lal (inadvertently mentioned as wife of Ram Saroop in FIR) who is also injured and eye witness of this case, have compromised the

matter with the accused namely Lakhwinder Kumar son of Chaman Lal, Des Raj son of Chaman Lal, Chaman Lal son of Amar Chand, Lekh Raj son of Amar Chand and Darshan Lal son of Amar Chand who all are also resident of my village. We have entered into compromise without any kind of pressure and with our free will. The quashing has been filed in the Hon'ble Punjab and Haryana High Court on the basis of the said compromise. I do not have any objection if the above said FIR be quashed. The photocopy of the above said compromise is Annexure -1 which has been effected with the intervention of the respectable persons. This compromise bears my signature at Point 1. Photocopy of my Adhar Card is Annexure-2."

Similar statement has been made by injured-respondent No.3 Satya Devi, wherein she has stated that she has no objection in case the FIR in question is quashed.

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

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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***, the present petition is allowed and the FIR No.62 dated 21.05.2018 under Sections 451, 323, 148 and 149 IPC and Section 325 IPC added subsequently, registered at Police Station Kathgarh, District Shaheed

Bhagat Singh Nagar (Annexure P-6) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.07.2018 (Annexure P-7).

November 02, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No