

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

**CRM-M-35026-2016
Date of decision:09.10.2018**

Bittu Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Viranjeet Singh Mahal, Advocate
for the petitioners.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioners seek quashing of FIR No.59 dated 11.08.2012 under Sections 452, 323, 325, 148, 149 of Indian Penal Code, 1860, Police Station Thermal Plant, District Bathinda and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 23.02.2018 the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get the statements recorded with regard to the genuineness of the compromise.

Pursuant to the aforesaid directions, report of learned Judicial Magistrate Ist Class, Bathinda has been received. Statements of complainant Sukhdeep Singh and also of accused Gurmeet Singh, Bittu Singh, Gurwinder Singh @ Gag son of Dheer Singh and Randeep Singh were recorded on 14.05.2018 to the effect that they have compromised the matter. This Court vide order dated 01.08.2018 while noticing that there was some inconsistency while recording the name of petitioner No.2- Gurinderjit Singh in his statement dated 14.05.2018 wherein at the top the name is mentioned as Gurwinder Singh @ Gag whereas the statement is signed as 'Gurvinderjit Singh' along with other accused, had directed the Judicial Magistrate Ist Class, Bathinda to verify as to whether the said statement dated 14.05.2018 was of 'Gurvinderjit Singh' or of 'Gurwinder Singh @ Gag'.

The learned Magistrate vide report dated 31.08.2018 based on a fresh statement of Gurinderjit Singh where his name has been mentioned as "Gurinderjit Singh @ Gurwinder Singh @ Gag son of Dhir Singh" has verified that the statement recorded earlier on 14.05.2018 was of 'Gurinderjit Singh @ Gurwinder Singh @ Gag son of Dhir Singh'. It has also been recorded therein that FIR against another accused who was also named as Gurwinder Singh (son of Joginder Singh) has already been quashed by this Court.

In view of the aforesaid reports and especially report dated 25.05.2018 wherein it has been specifically opined that the parties had effected compromise voluntarily without there being any undue influence or coercion and bearing in mind the law laid down by Full

Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and FIR No.59 dated 11.08.2012 under Sections 452, 323, 325, 148, 149 of Indian Penal Code, 1860, Police Station Thermal Plant, District Bathinda and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

It is clarified that Gurinderjit Singh is also known as 'Gurinderjit Singh @ Gurwinder Singh @ Gag son of Dhir Singh' and that the FIR stands quashed qua the aforesaid Gurinderjit Singh @ Gurwinder Singh @ Gag son of Dhir Singh.

The petition stands accepted in the above-mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

09.10.2018
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No