

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-35522 of 2016

Date of Decision: 31.08.2018

Talwinder Singh @ Kuki & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Sumit Kalyan, Advocate
Mr. Gursimran Singh, Advocate
for the petitioners.

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

Mr. Kuldeep Singh Saini, 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 FIR No.143 dated 08.07.2015 under Sections 323/341/506/353/186/332/427 IPC registered at P.S. Laddowal, District Ludhiana City and subsequent proceedings arising therefrom, on the basis of compromise dated 29.07.2015 (Annexure P-2).

This Court vide order 03.10.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise so arrived and the Illaqa Magistrate/trial Court was directed to submit its report regarding the

genuineness of the compromise so effected on the basis of statements so recorded, however, the parties could not appear. Again vide order dated 30.07.2018, another opportunity was granted for the parties to get their statements recorded in terms of order dated 03.10.2016.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. Learned Magistrate has forwarded his report dated 20.08.2018 to the effect that the compromise so arrived at between parties appears to be genuine, voluntary and without any coercion or undue influence.

Though no one has put in appearance on behalf of respondent no.2 - complainant, but no prejudice would be caused to him in case the present petition is allowed, as he has already made his statements before the learned Magistrate on 14.08.2018 regarding the compromise between the parties. The statement of Jagjiwan Singh, respondent no.2/complainant reads as under:-

“I lodged an FIR No.143 dated 08.07.2015 u/s 323, 341, 506, 353, 354, 186, 427, 148, 149 IPC in PS Laddowal, Ludhiana against Talwinder Singh s/o Daler Singh, Amritpal Singh s/o Sawan Singh @ Balwant Singh, Dhyan Singh s/o Sawan Singh, Salwinder Singh s/o Sawan Singh, Maghdeep Singh s/o Dhyan Singh, Gurtej Singh s/o Salwinder Singh. The matter involved in the said FIR has been compromised with all the accused with my free will and consent and without any undue influence or pressure. I have no objection if the aforesaid FIR No.143 dated 08.07.2015 u/s 323, 341, 506, 353, 354, 186, 427, 148, 149 IPC in PS Ladowal, Ludhiana is quashed against the accused persons.”

Learned State counsel does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.143 dated 08.07.2015 under Sections 323/341/506/353/186/332/427 IPC registered at P.S. Laddowal, District Ludhiana City and subsequent proceedings arising therefrom, is quashed *qua* the petitioner, on the basis of compromise dated 29.07.2015 (Annexure P-2).

August 31, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No