

273.

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

CRM-M-37093-2018

Date of decision:30.11.2018

SUKHPAL SINGH @ PALA AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Vikas Garg, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Mr.Vivek Goel, Advocate,
for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross version registered vide DDR No.36 dated 29.03.2017 under Sections 452/427/323/148/149 of IPC at Police Station Smalsar, District Moga in case F.I.R. No.31 dated 29.03.2017 under Sections 324, 323, 148, 149 of IPC, Police Station Smalsar, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 10.08.2018 (Annexure P-2).

This Court vide order dated 29.08.2018 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 Sub Divisional Judicial Magistrate, Baghapurana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.10.2018 to the effect that the compromise effected between the parties is not the result of any pressure or coercion and is genuine one.

Respondent No.2-complainant, namely, Manpreet Singh @ Baggi as well as Shinder Singh-respondent No.3 have made a joint statement with regard to compromise before learned Magistrate on 27.09.2018. The same is reproduced as under:-

“Stated that we have lodged the above noted DDR no.36 dated 29.3.2017 against the accused. With the intervention of the respectables there arrived a compromise between us and the accused persons. Now we do not want to proceed with the present case and we do not want to take any action against the accused present in court. We have no objection in case the quashing proceeding pending in the Hon'ble Punjab & Haryana High Court be accepted and the FIR be quashed. The compromise has been effected without any pressure or compulsion and with our free will. Today we have suffered my statement in court without any undue influence.”

Learned State counsel as well as learned counsel for respondents No.2 & 3 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 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

SCC 303, this petition is allowed and cross version registered vide DDR No.36 dated 29.03.2017 under Sections 452/427/323/148/149 of IPC at Police Station Smalsar, District Moga in case F.I.R. No.31 dated 29.03.2017 under Sections 324, 323, 148, 149 of IPC, Police Station Smalsar, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 10.08.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.11.2018

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