

276.

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

CRM-M-37427-2018

Date of decision:30.11.2018

RESHAM SINGH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

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

None 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.76 dated 30.06.2017 registered under Sections 323/341/506/34 of IPC at Police Station Kotbhai, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.07.2018 (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 Judicial Magistrate Ist Class, Gidderbaha and got their statements

submitted report dated 06.10.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Ashok Kumar, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 27.09.2018. The same is reproduced as under:-

“Stated that the FIR No.76 dated 30.06.2017 under Section 323, 341, 506, 34 IPC was registered in PS Kot Bhai on my statement against accused namely Resham Singh son of Mohinder Singh and Gurdev Singh son of Jalor Singh, both residents of Village Kauni, Tehsil Gidderbaha. I have effected compromise with the above stated persons. Now I have no grudge against the above stated persons. Compromise has been effected on our freewill without any pressure. I have also no objection if the above said FIR is quashed. This compromise is in favour of both the parties. The copy of my Adhaar card is Mark A and duly signed by me.”

Learned State counsel has 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.76 dated 30.06.2017 registered under Sections 323/341/506/34 of IPC at Police Station Kotbhai, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.07.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.11.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No