

243.

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

**CRM-M-3999-2018**

Date of decision:29.08.2018.

DEEPAK JASWAL AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ORS.

.... Respondents

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

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Present: Mr.Vinod K. Kaushal, Advocate,  
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,  
for respondent No.1.

None for respondents No.2 to 5.

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.162 dated 30.12.2017 registered under Sections 323, 324, 452, 379, 427, 506, 148, 149 IPC at Police Station Chabbewal, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.01.2018 (Annexure P-2).

This Court vide order dated 01.02.2018 had directed the parties to appear before the learned Area Magistrate 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, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 16.02.2018 to the effect that the compromise effected between the parties appears to be voluntary, genuine, lawful and without any kind of pressure, undue influence etc. from any side.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jaspal Singh as well as respondent No.3 to 5, namely, Rajinder Singh, Karamvir Singh and Sandeep Singh, but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 08.02.2018. The same is reproduced as under:-

“Stated that an FIR No.162 dated 30.12.2017 under Ss. 323, 324, 452, 379, 427, 506, 148, 149 IPC, Police Station Chabbewal District Hoshiarpur was registered against accused 1) Deepak Jaswal son of Devi Dass, 2) Rajdeep Singh son of Avtar Singh, 3) Gursewak Singh son of Sohan Singh, 4) Gurwinder Singh @ Shanke son of Harjinder Singh, 5) Amritpreet Singh son of Avtar Singh, 6) Harjit Kaur wife of Avtar Singh all resident of village Bham, PS Chabbewal, Tehsil Garhshankar, District Hoshiarpur, 7) Manohar Moti son of Hans Raj resident of Village Khera, PS Mehtiana, Tehsil & District Hoshiarpur, 8) Harvir Singh son of Davinder Singh resident of Village Mojo Mazara, PS Mehtiana, Tehsil Garshankar, District Hoshiarpur (PB). We have entered into a compromise with above said accused persons. We have effected the compromise with the accused persons without any fear, coercion and undue influence and voluntarily and without any pressure. Accused persons has filed quashing petition before the Hon'ble High Court in CRM-M-3999-2018. We have no objection, if the FIR and subsequent proceedings thereto be quashed against the above said accused persons and if the accused persons are acquitted as per compromise.”

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.162 dated 30.12.2017 registered under Sections 323, 324, 452, 379, 427, 506, 148, 149 IPC at Police Station Chabbewal, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 05.01.2018 (Annexure P-2). However, that would be subject to payment of costs of Rs.32,000/- (i.e. @ Rs.4,000/-each) to be deposited with the Kerala Chief Minister's Distress Relief Fund towards relief to the Kerala flood victims, for which, receipt would be produced in the Registry within 30 days from today.

**(HARI PAL VERMA)**  
**JUDGE**

29.08.2018  
sanjeev

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