

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

CRM-M-41076-2016 (O&M)

Date of Decision:-27.7.2018

Mandeep Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioners.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

Mr. H.S. Mavi, Advocate for respondent No.2.

GURVINDER SINGH GILL, J.(Oral)

The petitioners seek quashing of FIR No.375 dated 17.11.2007 registered under Sections 325, 324, 323, 148 and 149 of Indian Penal Code, 1860 at Police Station Baghapurana and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 9.12.2016 the parties had been directed to appear before the trial Court on 20.12.2016 so as to get their statements recorded qua the factum of compromise.

Report of learned Additional Sessions Judge, Moga dated 6.9.2017 had been received, wherein it has been reported that the statements of the complainant Gurcharan Singh and also of the accused have been recorded to the effect that they have entered into a compromise. It has been opined that the said compromise is genuine, without there being any pressure, coercion or undue influence and had been reached at voluntarily. In

the present case, the FIR in question was registered way back in the year 2007 and the petitioners were convicted for offences punishable under Sections 323, 324 and 34 of Indian Penal Code, 1860 by learned Additional Chief Judicial Magistrate, Moga vide judgment dated 27.3.2015. The learned counsel for the petitioners has cited judgment of this Court i.e. 2013(4) R.C.R. (Criminal) 102 Sube Singh Versus Statte of Haryana to contend that the inherent jurisdiction of this Court can be exercised at any stage.

Having regard to the facts and circumstances of the case and in view of the aforesaid compromise as well as 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 present petition is accepted and FIR No.375 dated 17.11.2007 registered under Sections 325, 324, 323, 148 and 149 of Indian Penal Code, 1860 at Police Station Baghapurana and all the consequent proceedings arising therefrom are hereby quashed. Consequently the judgment dated 27.3.2015 passed by learned Additional Chief Judicial Magistrate, Moga in the matter pertaining to FIR No.375 dated 17.11.2017 registered under Sections 325, 324, 323, 148 and 149 of Indian Penal Code, 1860 at Police Station Bagha Purana holding the accused guilty is also set aside.

The present petition stands accepted accordingly.

27.7.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No