

260.

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

CRM-M-43238-2018

Date of decision:17.12.2018

GOPAL SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Harvinder Pal Singh Ghuman, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, 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.55 dated 20.12.1997 registered under Sections 325, 148, 149 of IPC at Police Station Bhadson, Tehsil Nabha, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.06.2018 (Annexure P-2).

This Court vide order dated 01.10.2018 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, Nabha and got their statements

submitted report dated 20.11.2018 to the effect that the compromise has been effected between the parties voluntarily, without any pressure and coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Swaran Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 17.11.2018. The same is reproduced as under:-

“Stated that the compromise has been effected between the parties, so I do not want proceed with the present case. I have no objection, if the FIR in question is quashed. I have entered into compromise dated 01.06.2018 with all the accused and settled the matter amicably with my free will and without any pressure.”

Learned State counsel, on instructions from ASI Harjinder Singh, states that in the aforesaid FIR which was registered on 20.12.1997, the police has conducted investigation and found the petitioners No.1 to 3, namely, Gopal Singh, Rajwant Singh and Jaswinder Singh respectively, innocent. The statements of petitioners No.6 and 7, namely, Gurinder Singh and Gurjit Singh have not been recorded, but since the complainant has come forward and made his statement in support of the compromise, merely because the petitioners No.6 and 7, who were accused, have not appeared before the trial Court, it should not be any impediment for this Court to quash the FIR.

Since the complainant has come forward and made a statement that the compromise has been effected, this Court finds that the statements

they have filed this petition and have signed the power of attorney.

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.55 dated 20.12.1997 registered under Sections 325, 148, 149 of IPC at Police Station Bhadson, Tehsil Nabha, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 01.06.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.20,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

17.12.2018
sanjeev

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