

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269

CRM-M-44546-2018

Date of Decision:07.12.2018

Gurwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Suneet Pal Singh Aulakh, Advocate,
for the petitioner.**

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

**Mr. Sahil Kaushal, Advocate,
for respondent No.2.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.40 dated 01.05.2008 under Sections 452, 323, 324, 148, 149 IPC, registered at Police Station Machhiwara, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-6).

This Court vide order dated 09.10.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Samrala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.11.2018 to the effect that the compromise effected between the parties is genuine, voluntarily and out of their free will.

Respondent No.2-Complainant, namely, Satnam Singh, has made a statement with regard to compromise before learned Magistrate on 23.10.2018. The same is reproduced as under:-

“Stated that the present case bearing FIR No.40 dated 01.05.2008, u/ss 452/323/324/148/149 IPC, P.S. Machhiwara, District Ludhiana was registered on my statement against accused/petitioner namely Gurwinder Singh son of Harpal Singh and other co-accused (who were already acquitted). Now, with the interventions of respectable and friends of both the parties, we have effected compromise with each other. The compromise is genuine, without any pressure or coercion, voluntary with my free consent and Will. I shall have no objection if the FIR and subsequent proceedings are quashed against the accused/petitioner. I have also no objection if accused/petitioner is discharged/acquitted.”

Learned State counsel as well as learned counsel for respondent No.2 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 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 FIR No.40 dated 01.05.2008 under Sections 452, 323, 324, 148, 149 IPC, registered at Police Station

Machhiwara, District Ludhiana(Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise (Annexure P-6), subject to payment of costs of ₹25,000/- to be paid within 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. The petitioner shall produce a receipt with the Registry.

December 07, 2018

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(HARI PAL VERMA)**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No