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

CRM-M-46100-2018

Date of decision:18.12.2018

AVTAR SINGH & ORS

... Petitioners

Versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Dushyant, Advocate, for
Ms. Bela Kaur Vadehra, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Narender Kumar Vadehra, 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 General Diary No.17 dated 01.05.2016 registered under Sections 324, 323, 148, 149 of IPC (Section 326 IPC added subsequently) at Police Station Sekhwan, District Batala (Annexure P-1) in FIR No.33 dated 28.04.2016 (Annexure P-1A), Police Station Sekhwan, District Batala and all subsequent proceedings arising therefrom on the basis of compromise dated 04.10.2018 (Annexure P-2).

This Court vide order dated 17.10.2018 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, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.11.2018 to the effect that the compromise effected between the parties is genuine which is not the result of any pressure or coercion.

Respondent No.2-complainant, namely, Tarlok Singh made his statement with regard to compromise before learned Magistrate on 14.11.2018. The same is reproduced as under:-

“Stated that the present General Diary No.17 dated 01.05.2016, under section-324, 323, 148, 149 IPC, 326 IPC (Subsequently added), Police station-Sekhwan, Batala in FIR bearing no.33 dated 28.04.2016 in Police station-Sekhwan, Batala was registered against the accused persons namely Avtar Singh, Dalbir Singh, Balwinder kaur, Amarjit Kaur and Daljit Singh on my statement. Now, I have compromised the matter with above named accused persons with the intervention of the respectables. I have no objection, if the aforesaid general diary number is quashed qua the above said accused persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my Adhaar is Ex.C1. Further, compromise effected between me and accused persons is not having any adverse effect on the rights of any third party. No any other litigation/proceedings is pending between me and accused persons in any court of law. I have not been declared proclaimed person/offender by any court of law.”

Learned State counsel as well as learned counsel appearing on behalf of 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 case.

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 General Diary No.17 dated 01.05.2016 registered under Sections 324, 323, 148, 149 of IPC (Section 326 IPC added subsequently) at Police Station Sekhwan, District Batala (Annexure P-1) in FIR No.33 dated 28.04.2016 (Annexure P-1A), Police Station Sekhwan, District Batala and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.10.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- 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

18.12.2018
sanjeev

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