

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-4668-2018 (O&M)

Decided on:-November 26th, 2018.

AVTAR SINGH AND OTHERS

.....Petitioners.

Versus

STATE OF PUNJAB AND ANR

.....Respondents.

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

Present:- Mr. H.S. Oberoi, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG Punjab
assisted by Mr. Harwinder Pal Singh, ASI.

Mr. H.S. Mavi, 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 F.I.R. No.242 dated 16.11.2017 under Sections 324, 326, 506 and 34 IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.12.2017 (Annexure P-2).

This Court vide order dated 05.02.2018 had directed the parties to appear before the Area Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However parties could not appear. Again vide order dated 19.04.2018, another opportunity was granted to the parties to get their

statements recorded but they failed. Thereafter vide order dated 23.08.2018, one more opportunity was granted to the parties to get the statements recorded however subject to payment of cost.

Pursuant to the aforesaid order, parties have appeared before Additional Chief Judicial Magistrate, Tarn Taran and got their statements recorded. On the basis of statements so recorded, learned Magistrate has submitted report dated 04.10.2018 to the effect that the parties have compromised the matter out of their free will and without any sort of pressure or fear.

Learned counsel for the respondent No.2 does not dispute the factum of compromise.

Learned State counsel, on instructions from ASI Harwinder Pal Singh, also does not dispute the factum of compromise between the parties.

Respondent No.2-complainant, namely, Dalwinder Singh has made his statement with regard to compromise before learned Additional Chief Judicial Magistrate on 24.09.2018. The same is reproduced as under:-

“Stated that I am complainant in the present case. I and accused Avtar Singh S/o Sardool Singh, Jagtar Singh S/o Sardool Singh, Raju @ Sukhraj Singh S/o Sardool Singh and Karaj Singh S/o Sardool Singh All R/o Village Panua MughalChak District Tarn Taran have effected the compromise and I am satisfied with the compromise. The compromise effected between me and accused Avtar Singh S/o Sardool Singh, Jagtar Singh S/o Sardool Singh, Raju S/o Sardool Singh and Karaj Singh S/o Sardool Singh All R/o Village Panua MughalChak District Tarn Taran is with our free and sweet will and without any

pressure or coercion. As per, our compromise I do not want to further proceed in the present case against above said accused Avtar Singh, Jagtar Singh, Raju and Karaj Singh. If, the present case as well as the proceedings arising from the above said FIR are quashed and above said accused Avtar Singh S/o Sardool Singh, Jagtar Singh S/o Sardool Singh, Raju S/o Sardool Singh and Karaj Singh S/o Sardool Singh All R/o Village Panua MughalChak District Tarn Taran are acquitted/discharged from the present case, I have no objection for the same. The present compromise effected between us is without any pressure or coercion and it is genuine one.”

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.242 dated 16.11.2017 under Sections 324, 326, 506 and 34 IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 07.12.2017 (Annexure P-2).

November 26, 2018

tarun

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No