

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

CRM-M-46330-2017 (O&M)

Date of decision: January 15, 2018

Netinder Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Avlok Singh Sandhu, Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab
for respondent No.1-State.

Mr. Damanjit Singh Sandhu, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.106 dated 17.07.2014, under Sections 323, 341, 148, 149 of Indian Penal Code, registered at Police Station Dehlon, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.07.2017 (Annexure P-2).

This Court vide order dated 06.12.2017 had directed the parties to appear before the trial Court/Area Judicial Magistrate to get their statements recorded and the learned 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 Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.01.2018 to the effect that the compromise

effected between the parties is genuine, voluntarily, without any pressure, coercion or undue influence from any quarter.

Respondent No.2-complainant, namely, Jagwinder Singh has made a statement with regard to compromise before learned Magistrate on 15.12.2017 which reads as under:-

“Stated that FIR No.106 dated 17.07.2014, under Sections 323, 341, 148, 149 of IPC, P.S. Dehlon, Ludhiana was registered on the basis of my statement. I have compromised the matter with the accused persons i.e. (1) Netinder Singh son of Gurmail Singh, resident of Duleh, Distt. Ludhiana, (2) Amritpal Singh son of Pargat Singh, resident of Village Bool, Distt. Ludhiana, (3) Harpreet Singh @ Happy son of Avtar Singh, resident of Village Duleh, Distt. Ludhiana, (4) Kulwinder Singh @ Sukhi son of Amarjit Singh, resident of Village Jassowal, Distt. Ludhiana and (5) Jaipal Singh son of Rajwinder Singh, resident of Village Jartoli, PS Delhon, Distt. Ludhiana, with my free consent, without any pressure, or influence and voluntarily with the intervention of the respectable persons of the society. Now, I have no grudge with the above named accused persons. I have no objection if the above captioned FIR is quashed against the accused persons namely (1) Netinder Singh son of Gurmail Singh, resident of Duleh, Distt. Ludhiana, (2) Amritpal Singh son of Pargat Singh, resident of Village Bool, Distt. Ludhiana, (3) Harpreet Singh @ Happy son of Avtar Singh, resident of Village Duleh, Distt. Ludhiana, (4) Kulwinder Singh @ Sukhi son of Amarjit Singh, resident of Village Jassowal, Distt. Ludhiana and (5) Jaipal Singh son of Rajwinder Singh, resident of Village Jartoli, PS Delhon, Distt. Ludhiana, present in the Court today. Original compromise is attached with the petition pending before the Hon'ble Punjab & Haryana High Court Chandigarh and the photocopy of the same is Ex.A1. I identify my signatures over photocopy of compromise dated 26.07.2017. FIR No.106 dated 17.07.2014, u/s 452, 323, 341, 148, 149 of IPC, P.S. Dehlon Ludhiana was registered against six persons but I have compromised the matter only with above mentioned accused persons namely (1) Netinder Singh son of Gurmail Singh, resident of Duleh, Distt. Ludhiana, (2) Amritpal Singh son of Pargat Singh, resident of Village Bool, Distt.

Ludhiana, (3) Harpreet Singh @ Happy son of Avtar Singh, resident of Village Duleh, Distt. Ludhiana, (4) Kulwinder Singh @ Sukhi son of Amarjit Singh, resident of Village Jassowal, Distt. Ludhiana and (5) Jaipal Singh son of Rajwinder Singh, resident of Village Jartoli, PS Delhon, Distt. Ludhiana. I have placed copy of my Adhar Card as my identify proof, the same is Ex.A2. Accused Gurbax Singh son of Karamjit Singh has been declared proclaimed person in above mentioned case, vide order dated 28.07.2017. I identify all the above named accused persons present in the Court, today.”

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. and it will amount to abuse of the process of law.

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.106 dated 17.07.2014, under Sections 323, 341, 148, 149 of Indian Penal Code, registered at Police Station Dehlon, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 26.07.2017 (Annexure P-2).

January 15, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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