

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

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CRM-M No.46874 of 2017

Date of Decision: January 12th, 2018

Sukhwinder Singh

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

Mr. G.S. Rawat, Advocate
for respondent Nos.2 and 3.

AUGUSTINE GEORGE MASI, J. (ORAL)

On 11.12.2017, when the present petition came up for hearing,
following order was passed:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing FIR No. 21 dated 20.02.2012 (Annexure P-1) registered under Sections 326, 324 and 323 read with Section 34 IPC at Police Station Division No. 6, Jalandhar, and the order dated 29.04.2016 (Annexure P-2) passed the Judicial Magistrate Ist Class, Jalandhar, declaring the petitioner as proclaimed offender.

Learned counsel for the petitioner inter alia contends that the matter has been compromised in between the parties.

Notice of motion for 12.01.2018.

Mr. GS Rawat, Advocate has filed Vakalatnama on behalf of respondents No. 2 and 3 in Court today. The same is taken on record. Office to tag the same at the appropriate place.

In the meanwhile, the petitioner as well as respondents No. 2 and 3, would appear before the trial Court/Illaq Magistrate, within a week for recording their statements qua compromise, who shall record their statements and send a

report to this Court as to whether the compromise is genuine and without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.

To be shown in the urgent list.

On appearance of the petitioner before the trial Court, his bail application shall be decided within two days”.

In compliance with the said order, petitioner-Sukhwinder Singh had appeared before the trial Court and surrendered and was granted bail as per the statement of the counsel for the petitioner. Thereafter the trial Court has proceeded to record the statements of the complainant as well as the accused-petitioner.

Report dated 21.12.2017 has been submitted as regards the authenticity of the compromise dated 27.10.2017 (Annexure P-4). The Judicial Magistrate Ist Class, Jalandhar, has stated that both complainants Deepak Kumar and Rohit and accused Sukhwinder Singh had suffered statement to the effect that they had executed a compromise referred to above. The Court is also satisfied that the compromise entered into between the parties is genuine and without any force or pressure or coercion rather it has been effected on their own free will to maintain harmony in the society for the well being of the village. It has also been stated that none of the accused is a proclaimed offender.

Counsel for respondents 2 and 3 has, in Court, also stated that respondent 2-Deepak Kumar, who is complainant and respondent No.3-Rohit, the injured, have no objection to the quashing of the FIR and the consequential proceedings against the accused-petitioner, in the light of the compromise.

Keeping in view the facts and circumstances, the compromise dated 27.10.2017 (Annexure P-4) and the report of the Judicial Magistrate Ist Class, Jalandhar, as also the 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***, the present petition is allowed and FIR No.21 dated 20.02.2012 under Sections 326, 324, 323, 34 of IPC, registered at Police Station Division No.6, Jalandhar, and all consequential proceedings arising therefrom, are hereby quashed.

January 12th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No