

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

CRM-M-46929-2017 (O&M)

Date of decision: January 12, 2018

Parjit Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Mandeep Kaur, Advocate
for the petitioners.

Mr. Atinder Pal Singh Jaurkian, AAG, Punjab
for respondent No.1-State.

Mr. Bhupinderbir Singh Randhawa, 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.65 dated 31.10.2015, under Sections 324, 323, 148, 149 of Indian Penal Code and Section 326 IPC added vide report No.19 dated 21.11.2015, registered at Police Station Dera Baba Nanak, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

This Court vide order dated 08.12.2017 had directed the parties to appear before the trial Court 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, Batala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.01.2018 to the effect that the compromise effected between the parties seems to be genuine one, which is not the result of any pressure or coercion.

Respondent No.2-complainant, namely, Gurpreet Singh has made a statement with regard to compromise before learned Magistrate on 18.12.2017 which reads as under:-

“Stated that the present FIR bearing No.65 dated 31.10.2015 registered under Sections 324, 323, 148, 149 (Section 326 of IPC added vide report No.19, dated 21.11.2015) IPC, at Police Station Dera Baba Nanak, Batala was registered against accused Parjit Singh, Balbir Singh, Sukhraj Singh, Karamjit Singh and Kulwant Singh on my statement Now I have compromised the matter with accused persons with the intervention of the respectables vide compromise deed, which is attached with the main petition filed before the Hon'ble High Court and copy of which is Ex.C1. I have no objection if the present FIR bearing No.65 dated 31.10.2015 registered under Sections 324, 323, 148, 149 (Section 326 of IPC added vide report No.19, dated 21.11.2015) IPC, at Police Station Dera Baba Nanak, Batala be quashed against the accused persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C2. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any Court of law.”

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.65 dated 31.10.2015, under Sections 324, 323, 148, 149 of Indian Penal Code and Section 326 IPC added vide report No.19 dated 21.11.2015, registered at Police Station Dera Baba Nanak, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-3).

January 12, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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