

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

CRM-M-46932-2017 (O&M)

Date of decision: January 12, 2018

Gurpreet Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Bhupinderbir Singh Randhawa, Advocate
for the petitioners.

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

Ms. Mandeep Kaur, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.33 dated 04.02.2016, under Sections 323, 324, 148, 149 IPC (Annexure P-1) in 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-2) 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.

Respondents No.2 and 3-complainant, namely, Parjit Singh and Balbir Singh have made the joint statement with regard to compromise before learned Magistrate on 18.12.2017 which reads as under:-

“Stated that the present DDR No.33 dated 04.02.2016, under Sections 323, 324, 148 and 149 of IPC in FIR bearing No.65 dated 31.10.2015 registered under Sections 324, 323, 148, 149 IPC at Police Station Dera Baba Nanak, Batala was registered against accused Gurpreet Singh, Rajkaran Singh, Manjinder Singh, Ravinder Singh and Mukhtiar Singh on their statements. Now we 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. We have no objection if the present DDR No.33 dated 04.02.2016, under Sections 323, 324, 148 and 149 of IPC in FIR bearing No.65 dated 31.10.2015 registered under Sections 324, 323, 148, 149 of IPC, at Police Station Dera Baba Nanak, Batala be quashed against the accused persons. We have given our statement with our free will and without any coercion and any pressure. Copies of their identity cards are Ex.C2 and Ex.C3. Further, compromise effected between us and accused persons are not having any adverse effect on the rights of any third party. We have not been declared proclaimed persons/offenders by any Court of law.”

Learned State counsel as well as learned counsel for respondents No.2 and 3 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 DDR No.33 dated 04.02.2016, under Sections 323, 324, 148, 149 IPC (Annexure P-1) in 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-2) 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