

271/A.

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

CRM-M-48377-2018

Date of decision:28.11.2018.

JASBIR SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sultan Singh Gill, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Mr. Balbir Singh Jaswal, Advocate,
for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.109 dated 26.07.2014 registered under Sections 323/324/34 of IPC (Section 326 IPC added lateron) at Police Station Majitha, Amritsar (Rural) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.08.2018 (Annexure P-2).

This Court vide order dated 31.10.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate 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, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.11.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Navtej Singh has made his statement with regard to compromise before learned Magistrate on 05.11.2018. The same is reproduced as under:-

“Stated that FIR no.109 dated 26.7.2014 under Section 323, 324, 326, 34 IPC, Police Station Majitha was got registered by me against Jasbir Singh and Shivraj Singh. Now, I have entered into compromise with the petitioners Jasbir Singh and Shivraj Singh.

- i) Two persons Jasbir Singh and Shivraj Singh have been arrayed as accused in above said FIR.
- ii) No person has been declared as proclaimed offender.
- iii) The compromise is genuine, voluntary, and without any coercion or undue influence.”

Apart from above, similar statements have been made by Manjodh Singh and Kulwinder Singh i.e. respondents No.3 & 4 respectively, whereby they have stated that they have compromised the matter with the accused, voluntarily, without any coercion or undue influence.

Learned State counsel as well as learned counsel for respondents No.2 to 4 have not disputed the factum of compromise arrived at 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.

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.109 dated 26.07.2014 registered under Sections 323/324/34 of IPC (Section 326 IPC added lateron) at Police Station Majitha, Amritsar (Rural) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 01.08.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

28.11.2018
sanjeev

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