

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

Date of Decision: 19.11.2018

1.

CRM-M No.765 of 2016

Shingara Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

2.

CRM-M No.766 of 2016

Joginder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajesh Kapila, Advocate
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

Ms. Jaspreet Kaur, Advocate
for respondent No.2.

HARI PAL VERMA J. (ORAL)

This common order shall dispose of above noted two petitions as they arise out of the version and cross version.

These petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.78 dated 01.08.2012 under Sections 326, 324, 323, 34 IPC and its cross version

recorded vide DDR No.23 dated 01.08.2012 under Sections 326, 324, 323, 148, 149 IPC registered at Police Station Mallanwala, District Ferozepur along with all subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

This Court vide order 02.12.2016 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded in support of the compromise and the learned Illaq Magistrate/trial Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before the Judicial Magistrate, Ist Class, Zira and got their statements recorded. On the basis of the statements so recorded, a consolidated report dated 15.02.2017 has been received from the Judicial Magistrate, Ist Class, Zira in both the cases to the effect that the compromise has been effected between the parties is genuine, voluntary, without any coercion and pressure.

Respondent No.2-complainant, namely, Joginder Singh as well as Kehar Singh, Balwinder Singh, Santo and Jagir Singh have made a joint statement in FIR No.78 dated 01.08.2012 (*supra*) with regard to compromise before the learned Magistrate on 14.02.2017. The same is reproduced as under:-

“That the said FIR was registered against us by Shingara Singh son of Jagga Singh, resident of village Alle wala, Tehsil Zira District Ferozepur. Now with the intervention of respectable and relatives of our village we have effected compromise with the

complainant. The compromise was also effected in the cross version case which was registered by complainant Kehar Singh. Compromise was effected in the cross version case titled as Stated vs. Shingara Singh, FIR No.78 dated 01.08.2012 under Section 326, 324, 323, 34 between both the parties without any pressure, undue influence and coercion. It is therefore humbly request before the honorable court that the above said FIR may kindly be quashed.”

Similarly, respondent No.2-complainant Shingara Singh as well as Sona Singh, Gurpreet Singh and Paramjit Singh have made a joint statement in DDR No.23 dated 01.08.2012 (*supra*) with regard to compromise before the learned Magistrate on 14.02.2017. The same is reproduced as under:-

“That the above said FIR was registered against us by the complainant Joginder Singh son of Kehar Singh of village Alle wala, Tehsil Zira District Ferozepur. Now with the intervention of respectable and relatives of our village we have effected compromise with the complainant. The compromise was also effected in the cross version case titled as State vs. Kehar Singh, FIR No.78 dated 01.08.2012 under Section 326, 324, 323, 148, 149 of IPC which was registered by complainant Shingara Singh. Compromise was effected between both the parties without any pressure, undue influence and coercion. It is therefore humbly request before the honorable court that the above said FIR may kindly be quashed.”

Learned State counsel as well as learned counsel for respondent No.2-complainant have not disputed the factum of compromise

effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant case qua the petitioners shall be an 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, these petitions are allowed and FIR No.78 under Sections 326, 324, 323, 34 IPC and its cross version recorded vide DDR No.23 dated 01.08.2012 under Sections 326, 324, 323, 148, 149 IPC registered at Police Station Mallanwala, District Ferozepur and all subsequent proceedings arising therefrom are quashed qua both the sets of petitioners on the basis of the compromise.

(HARI PAL VERMA)
JUDGE

November 19, 2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No