

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CRM-M-6783-2017 (O&M)

Date of Decision:30.11.2018

Tarlok Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Satnam S. Gill, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. B.S. Baath, Advocate,
for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0206 dated 23.11.2006 under Sections 308, 324, 323, 427, 148, 149 IPC, registered at Police Station Sadar Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.02.2017 (Annexure P-2).

Learned State Counsel on instructions from ASI Baldev Singh states that though the FIR was registered under Sections 308, 324, 323, 427, 148, 149 IPC, but during the investigation, police has found only commission of offence punishable under Section 323 IPC.

This Court vide order dated 04.09.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements

recorded and the learned trial 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 1st Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.11.2018 to the effect that the compromise between the parties is valid and genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter.

Respondent No.2-Complainant, namely, Raghbir Singh, has made a statement with regard to compromise before learned Magistrate on 03.11.2018. The same is reproduced as under:-

“Stated that I got registered above-said FIR No.206 dated 23.11.2006, under Sections 308, 323, 324, 427, 148 and 149 IPC, P.S. Sadar Batala, against accused Tarlok Singh son of Avtar Singh, Hardev Singh @ Gurdev Singh son of Karnail Singh, Dalip Singh son of Balwant Singh, Tehal Singh son of Balwant Singh and Paramjit Singh son of Balwant Singh, all accused are residents of village Harssian, Tehsil Batala, District Gurdaspur. Now with the intervention of respectables, compromise has been effected with the accused and accused have filed quashing petition CRM-M-No.6783-2017 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing FIR No.206 dated 23.11.2006, under Sections 308, 323, 324, 427, 148 and 149 IPC, P.S. Sadar Batala. The said compromise is legal, valid, genuine and voluntarily effected with my free consent and without any kind of pressure, force, threat, coercion or undue influence from any quarter. Now I have no grudge against accused and I have no objection if the present FIR be quashed against

accused. I have produced copy of my identity proof as Ex.C1. This FIR was registered only against above-named five accused persons and no accused has been declared as proclaimed offender/person. I identify all the accused present in the court today. My present statement is genuine and I have made this statement without any pressure or coercion in any manner from any quarter.”

Apart from above, a similar statement has also been made by respondent No.3-injured Daljit Singh, whereby he has shown no objection to the present FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.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.

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 FIR No.0206 dated 23.11.2006 under Sections 308, 324, 323, 427, 148, 149 IPC, registered at Police Station Sadar Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 01.02.2017 (Annexure P-2).

November 30, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No