

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

CRM-M-9346-2017 (O&M)

Date of decision: January 18, 2018

Balkar Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Geeta Sharma, Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab
for respondent No.1-State.

Mr. Deepak K. Bartia, 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 F.I.R. No.143 dated 15.06.2014, under Sections 323, 324, 326, 148, 149 of Indian Penal Code, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.10.2015 (Annexure P-2).

This Court vide order dated 11.09.2017 had directed the parties to appear before the Illaqa Magistrate/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 the Judicial Magistrate Ist Class, Patti and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.11.2017 to the effect that the compromise effected between

the parties is genuine, voluntarily, without any coercion or undue influence with their free will.

Respondent No.2-complainant, namely, Captain Singh son of Mukhtar Singh has made a statement with regard to compromise before learned Magistrate on 10.10.2017 which reads as under:-

“Stated that FIR No.143 dated 26.10.2015 (wrongly mentioned), U/s 323/324/326/148/149 IPC, Police Station: Bhikhiwind was registered against petitioner No.1 Balkar Singh son of Pritam Singh, Petitioner No.2 Gurpreet Singh son of Satnaam Singh, Petitioner No.3, Bhagwant Singh son of Dhara Singh, Petitioner No.4 Kashmir Kaur wife of Balkar Singh, Petitioner No.5 Bakhshish Singh son of Balbeer Singh, Petitioner No.6 Sukhdev Singh son of Balkar Singh, all residents of Village Sandhra, PO Kacha Pakka, Tehsil Patti, District Tarn Taran on my statement. I have effected compromise the matter with above mentioned petitioners with the intervention of respectables persons of area regarding this FIR without any coercion and influence from any corner. I have made this statement with my sweet and free will and without any pressure or coercion. Photocopy of compromise is Mark A. I have no objection, if the above said FIR is quashed against all the petitioners by the Honourable Punjab and Haryana High Court, Chandigarh.”

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 F.I.R. No.143 dated 15.06.2014, under Sections 323, 324, 326, 148, 149 of Indian Penal Code, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 26.10.2015 (Annexure P-2).

January 18, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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