

CRM-M-6847-2018

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6847-2018.

Decided on:-November 26th , 2018.

LOVEPREET SINGH AND ANOTHER

.....Petitioners.

Versus

STATE OF PUNJAB AND ORS

.....Respondents.

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

Present:- Mr. R.S. Dhillon, Advocate
for Mr. Parvinder Singh Ahluwalia, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG Punjab.

Mr. Parneet Singh Baidwan, 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 F.I.R. No.82 dated 04.10.2017 under Sections 147, 323, 341, 506 IPC registered at Police Station GRP Sirhind, District Govt. Railway Police (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.12.2017 (Annexure P-3).

This Court vide order dated 20.02.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Chief Judicial Magistrate, Fatehgarh Sahib and got their statements recorded. On the basis of statements so recorded, learned Magistrate has submitted report dated 07.03.2018 to the effect that the parties have compromised the matter out of their free will and without any sort of pressure and fear.

Learned counsel for the respondent Nos. 2 and 3 does not dispute the factum of compromise.

Respondent No.2-complainant, namely, Karnail Singh and respondent No.3-victim, namely, Navjot Kaur have made their joint statement with regard to compromise before learned Chief Judicial Magistrate on 01.03.2018. The same is reproduced as under:-

“Stated that I (Karnail Singh) got registered an F.I.R. No.82 dated 04.10.2017 under Section 147/323/341/506 of IPC and Section 325 of IPC (added later on), police station GRP Sirhind against Lakhvir Singh and Jasbir Singh both sons of Chajju Ram R/o Village Sanghol, Tehsil Khamano, District Fatehgarh Sahib, Sukhwinder Singh @ Sukhi son of Bachan Singh resident of House No.4899/C-1 Mohalla Guru Nagar, Ropar, Punjab and Satwinder Singh @ Bhola son of Gurnam Singh R/o House No. 264, street No.3, Ram Nagar, Bhamian Kalan, Ludhiana and other two unknown persons (who were later on identified as Lovepreet Singh son of Gurmail Singh R/o Village Kartarpur, Sialbamajra, District SAS Nagar, Mohali and Gurdeep Singh son of Davinder Singh R/o Village Shahabana, District Ludhiana.

We have compromised the matter with accused Lakhvir Singh, Jasbir Singh, Satwinder Singh @ Bhola and Sukhwinder Singh @ Sukhi, Lovepreet Singh and Gurdeep Singh vide compromise without any influence, coercion and pressure. We do not have any objection if the present FIR stands quashed by the Hon'ble Punjab and Haryana High Court.”

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.82 dated 04.10.2017 under Sections 147, 323, 341, 506 IPC registered at Police Station GRP Sirhind, District Govt. Railway Police (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.12.2017 (Annexure P-3).

November 26, 2018

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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No