

...Petitioner(s)

State of Punjab and others

...Respondent(s)

(2) Criminal Misc. No.M-9347 of 2018

Sandeep Singh and others

...Petitioner(s)

The State of Punjab and another

...Respondent(s)

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

Present:- Mr. Baltej Singh Sidhu, Advocate
for the petitioners in CRM-M-9311 of 2018 and
for respondent No. 2 in CRM-M-9347 of 2018

Mr. Surinder Pal Singh Tinna, Addl.A.G., Punjab.

Mr. Arshdeep Singh Sra, Advocate
for the petitioners in CRM-M-9347 of 2018 and
for respondent No. 2 & 3 in CRM-M-9311 of 2018.

HARI PAL VERMA, J. (Oral)

This order shall dispose of the aforementioned two petitions filed under Section 482 Cr.P.C. as the same have arisen out of a common incident and a similar prayer has been made in both the petitions.

The petition bearing No. **CRM-M-9311 of 2018** has been filed for quashing of the F.I.R. No. 162 dated 14.07.2017 under Sections

Criminal Misc. No. 9311 of 2018

324/323/34 IPC(326 IPC added on 15.08.2017) registered at Police Station Lambi, Distt. Sri Muktsar Sahib and all consequential proceedings arising therefrom on the basis of compromise dated 06.01.2018. Similarly, the other petition bearing No. **CRM-M-9347-2018** has been filed for quashing of the cross version recorded vide DDR No.53 dated 14.07.2017 under Sections 324/323/34 IPC (326 IPC added on 15.08.2017) at Police Station Lambi, Distt. Sri Muktsar Sahib in the aforementioned FIR. However, for convenience and clarity, a detailed order is being passed in the petition bearing No. **CRM-M-9311 of 2018**.

This Court vide order 06.03.2018 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Sub Divisional Judicial Magistrate, Malout and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 22.03.2018 to the effect that the compromise has been arrived at by the parties is voluntarily, without any threat and coercion.

The factum of compromise between the parties has not been disputed by learned State counsel.

The statement of the complainant- Jagdeep Singh recorded on

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22.03.2018 reads as under:-

“Stated that with the intervention of respectables of the village, I have compromised with accused Jagmeet Singh and Avtar Singh. I have no grievance against the accused now. I have effected compromise with our own free will, without any pressure of any kind. The compromise is in the benefit of both the parties. I produce photostat copy of Adhar Card Mark A my identification ”.

Statement of the complainant- Labh Singh recorded on

22.03.2018 reads as under:-

“Stated that with the intervention of respectables of the village, I have compromised with accused Jagmeet Singh and Avtar Singh. I have no grievance against the accused now. I have effected compromise with our own free will, without any pressure of any kind. The compromise is in the benefit of both the parties. I produce photostat copy of Adhar Card Mark B my identification”.

Similarly, in the connected petition i.e. CRM-M-9347 of 2018, the statement of Avtar Singh, who is author of the DDR in question recorded by the Magistrate on 22.03.2018, reads as under:-

“Stated that with the intervention of respectables of the village, I have compromised with accused Sandeep Singh, Jagdeep Singh and Labh Singh. I have no grievance against the accused now. I have effected compromise with our own free will, without any pressure of any kind. The compromise is in the benefit of both the parties. I produce photostat copy of Adhar Card Mark A my identification”.

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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. as well as the cross version.

Thus, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1252 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)12 SCC 303**, both these petitions are allowed. Consequently, the FIR No.162 dated 14.07.2017 under Sections 324/323/34 IPC (326 IPC added on 15.08.2017) registered at Police Station Lambi, Distt. Sri Muktsar Sahib (Annexure P-1) and the subsequent proceedings arising therefrom including the cross-version recorded in the aforesaid FIR at Police Station Lambi vide DDR No.53 dated 14.07.2017 under Sections 324/323/34 IPC (326 IPC added on 15.08.2017) are quashed on the basis of compromise dated 22.03.2018 (Annexure P-2) subject to the deposit of Rs. 10,000/-, as costs, in each petition, with the Punjab and Haryana High Court Bar Association in the Lawyer's Welfare Fund.

August 02, 2018
renu bala

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned? Yes / No

Whether reportable? Yes / No