

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-698 of 2019 (O&M)
Date of Decision: March 06, 2019.

Satnam Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU.

Present: Mr.Vipin Mahajan, Advocate, for the petitioner.
Mr.C.L.Pawar, Sr.DAG, Punjab.
Mr.Randeep Singh, Advocate, for respondent No.2.

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Mahabir Singh Sindhu, J. (Oral)

The present petition under Section 482 Cr.P.C., has been filed praying for quashing of FIR No.56 dated 23.07.2013 registered under Sections 326, 323, 148, 149 IPC, P.S. Qila Lal Singh, Police District Batala, District Gurdaspur, alongwith all consequential proceedings arising therefrom on the basis of compromise arrived at between the petitioner and respondent No.2.

Brief facts of the case of prosecution are that on the statement of respondent No.2, FIR No.56 dated 23.07.2013 was registered against the petitioner and other co-accused, namely, Balwinder Singh, Sawinder Singh and Balkar Singh. Allegations are that on 03.07.2013, at about 9.30 a.m., the accused persons namely Sawinder Singh son of Sulakhan Singh, Satnam Singh son of Natha Singh (petitioner) armed with Dang, Balkar Singh son of Dalip Singh armed with Dang, Partap Singh son of Budh Singh armed with Dang came and caused injuries to the complainant and petitioner is alleged to have given dang blow on the buttock of the

This Court on 07.02.2019 has passed the following order:-

“Learned counsel for both the parties jointly stated that the matter has been compromised between the parties and they are ready to get their statements recorded before the learned trial Court.

Parties are directed to appear before the Court of learned Illaqa Magistrate/trial Court on **21.02.2019** to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

- (i). *Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii). *Whether the compromise effected between the parties is genuine and valid?*
- (iii). *Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). *Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). *Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

List before this Court on **06.03.2019** for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.”

In pursuance of the above order, a report dated 26.02.2019 has

been received from the Judicial Magistrate, 1st Class, Batala and a perusal of

the same clearly reveals that the matter has been compromised by both the

parties with their free consent, voluntarily and without any coercion or undue influence and there is no other case pending against the petitioner except the present one.

The compromise has been acknowledged by both the sides and also by the learned State counsel.

On earlier occasion also CRM-M-30592 of 2018 was filed by Balwinder Singh and others which was allowed by this Court vide order dated 20.07.2018 (P-5) and FIR in question was quashed qua those petitioners and operative part of the order dated 20.07.2018 reads as under:-

“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.56 dated 23.07.2013 under Sections 326, 323, 148, 149 IPC, registered at Police Station Qila Lal Singh, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 01.08.2017 (Annexure P-2).”

Since the matter has been settled amicably, pendency of original proceedings arising out of FIR No.56 dated 23.07.2013 under Sections 326, 323, 148, 149 IPC, P.S. Qila Lal Singh, Police District Batala, District Gurdaspur, would be an abuse of process of law and not in the interest of justice.

Consequently, the present petition is allowed and FIR No.56 dated 23.07.2013 under Sections 326, 323, 148, 149 IPC, P.S.Qila Lal Singh, Police District Batala, District Gurdaspur alongwith all consequential proceedings resulting therefrom are quashed qua the petitioner.

March 06, 2019
mohinder

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No