

284.

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

CRM-M-8990-2019

Date of decision:23.05.2019

JATINDER SINGH AND ORS.

... Petitioners

versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Mr. Arshdeep Singh Brar, Advocate,
for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross case registered vide GD No.35 dated 29.08.2018 (Annexure P-2) under Sections 323, 325, 148, 149 IPC (Section 379 B IPC added lateron) in F.I.R. No.55 dated 31.08.2018 registered under Sections 324, 323, 354, 506, 509, 148, 149 of IPC at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.09.2018 (Annexure P-3).

This Court vide order dated 28.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 learned Judicial Magistrate Ist Class, Moga and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.05.2019 to the effect that the compromise appears to be genuine and has been effected between the parties voluntarily, out of their free will and without there being any sort of pressure or coercion from any corner.

Respondent No.2-complainant, namely, Jaswant Singh has made his statement with regard to compromise before learned Magistrate on 27.03.2019. The same is reproduced as under:-

“The above said DDR was registered on the basis of my statement against Jatinder Singh son of Daljit Singh, Chanchal Singh son of Daljit Singh, Sukhdev Singh son of Thakar Singh, Manpreet Singh son of Sukhdev Singh, Gurpreet Singh son of Karamjit Singh and Manpreet Singh son of Bittu Singh @ Mohinder Singh etc. all resident of Basti Alabad, Ward no.6, Fatehgarh Panjtoor District Moga. Now with the intervention of respectables and relatives compromise has been effected between me and accused persons. The compromise has been effected for our betterment. I have brought my original Aadhar card bearing No.9121 8251 0952 in the Court. Attested photocopy of the same duly signed by me and the photocopy of the same is Mark A. I have no objection if the petition filed by the accused in the Hon'ble High Court is allowed. The FIR as well as DDR may kindly be quashed.”

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 case.

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 cross case registered vide GD No.35 dated 29.08.2018 (Annexure P-2) under Sections 323, 325, 148, 149 IPC (Section 379 B IPC added lateron) in F.I.R. No.55 dated 31.08.2018 registered under Sections 324, 323, 354, 506, 509, 148, 149 of IPC at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 05.09.2018 (Annexure P-3), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

23.05.2019

sanjeev

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