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

CRM-M-15589-2019

Date of decision: 30.10.2019

LAKHWINDER SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jasjeet Singh, Advocate, for
Mr. Amit Arora, Advocate,
for the petitioners.

Ms. Jasleen Kaur Sidhu, AAG, Punjab,
for respondent No.1.

Ms. Kuldeep Kaur, Advocate, for
Mr. Parminder Singh Kanwar, Advocate,
for respondent No.2.

HARI PAL VERMA, J. *(Oral)*

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.74 dated 15.07.2017 registered under Sections 323, 324, 354, 506, 148, 149 of IPC (Section 326 IPC added lateron) at Police Station Harike, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.09.2019 (Annexure P-2).

This Court vide order dated 04.04.2019 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, however, parties could not appear. Again

vide order dated 05.08.2019, parties were afforded another opportunity to appear before the Illaqa Magistrate/trial Court to get their statements recorded in terms of order dated 04.04.2019.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Patti and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.09.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Simranjit Kaur has made her statement with regard to compromise before learned Magistrate on 23.08.2019. The same is reproduced as under:-

“Stated that in FIR bearing No.74 dated 15.07.2017 under sections 323/324/354/506/148/149 of IPC (offence under Section 326 of IPC added later on) P.S. Harike, Tehsil Patti, District Tarn Taran, was registered on my statement against the accused namely as under:-

- 1. Lakhwinder Singh son of Kirpal Singh,*
- 2. Sukhwinder Singh son of Kirpal Singh,*
- 3. Bikramjit Singh son of Lakhwinder Singh,*
- 4. Kiranjit Kaur D/o Lakhwinder Singh,*
- 5. Amarjit Kaur wife of Lakhwinder Singh, All R/o village Kalah, Tehsil Khadoor Sahib, District Tarn Taran.*

That with the intervention of respectable matter was compromised and we are living peacefully. We effected compromise with our free consent and without any coercion or pressure of any person. Above said accused filed quashing petition in Hon'ble Punjab and Haryana High Court for quashing in FIR No.74 dated 15.07.2017 under sections 323/324/354/506/148/149 of IPC (Offence under Section 326 of

IPC added later on) P.S. Harike, District Tarn Taran, on the basis of compromise.

I have no objection if the FIR No.74 dated 15.07.2017 under sections 323/324/354/506/148/149 of IPC (offence under Section 326 of IPC added later on) P.S. Harike, District Tarn Taran, was registered against the above said accused be quashed/cancelled by the Hon'ble Punjab and Haryana High Court on the basis of compromise. I have given my statement today with my free consent and without any coercion. Accused/ petitioners are present in the court today. Self attested copy of my Aadhaar Card is Mark-A which is correct as per original. ”

Learned State counsel as well as learned counsel for respondent No.2 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.

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.74 dated 15.07.2017 registered under Sections 323, 324, 354, 506, 148, 149 of IPC (Section 326 IPC added lateron) at Police Station Harike, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 21.09.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.10.2019

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No