

CRM-M-35066-2018

Date of decision:08.01.2019

KULDEEP SINGH AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr.Rana Harjasdeep Singh, DAG, Punjab.

Mr. Parminder Singh Kanwar, Advocte
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.93 dated 14.07.2018 registered under Section 306 of IPC at Police Station Sarhali, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.08.2018 (Annexure P-2).

This Court vide order dated 30.08.2018 while issuing notice of motion 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, Tarn Taran and got their statements recorded. On the basis of the statements so recorded, learned Magistrate

has submitted report dated 06.12.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, and without any coercion or undue influence.

Respondent No.2/complainant-Hardev Singh has made a statement with regard to compromise before learned Magistrate on 03.12.2018. The same is reproduced as under:-

“Stated that I had got registered one FIR bearing No.93/18 dated 14.07.2018 u/s 306 IPC in the police station Sarhali, Distt-Tarn Taran, Now I have settled the compromise with all the accused persons namely 1. Kuldeep Singh son of Harbans Singh, 2. Harjit Kaur w/o Harbans Singh, both r/o of village Chungh P.O Bhagwanpura, Bhikhiwind, Tehsil Patti, Distt. Tarn Taran, 3. Balwinder Singh s/o Gurmukh Singh r/o village Mari Udhoke, Tehsil Patti, Distt. Tarn Taran, 4. Angrej Singh s/o Sardool Sing r/o village Manochahal, Tehsil and Distt. Tarn Taran with the intervention of the relatives of both the parties. I have also resolved all the disputes with the all accused persons. I have compromised the matter with the accused persons voluntarily and without any pressure, coercion or undue influence. I do not have any objection if the present FIR is quashed by Hon'ble Punjab & Haryana High Court, Chandigarh, on the basis of compromise arrived between me and accused persons.”

Learned State counsel on instructions from Head Constable Kulbir Singh has 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.93 dated 14.07.2018 registered under Section 306 of IPC at Police Station Sarhali, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 05.08.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.20,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)

JUDGE

January 08, 2019

Jyoti-1 Whether speaking/reasoned Yes/No Whether reportable Yes/No