

292/A.

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

CRM-M-18920-2019

Date of decision:13.08.2019

SUKHDEV SINGH AND ANR.

... Petitioners

versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0161 dated 17.08.2018 registered under Sections 323, 324, 452, 427, 506, 148, 149 of IPC (Section 326 IPC added lateron) at Police Station City Patti, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/ affidavit dated 17.10.2018 (Annexures P-2 and P-3).

This Court vide order dated 14.05.2019 had directed the parties to appear before the Illaqa Magistrate 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 01.07.2019, the parties were afforded another opportunity to get their statements recorded in terms of order dated 14.05.2019.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Patti and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.08.2019 to the effect that the compromise effected between the parties is genuine and valid one.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jagbir Singh as well as respondent No.3, but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 24.07.2019. The same is reproduced as under:-

“Stated that an FIR No.0161 dated 17.08.2018, Under Section: 323, 324, 452, 427, 506, 148, 149 of IPC (later on 326 of IPC added on 27.08.2018 vide rapat No.27), Police Station: City Patti, Distt. Tarn Taran, was registered on the statement of Jagbir Singh son of Balwant Singh complainant against Sukhdev Singh and Harpal Singh accused.

We have compromised the present matter with the accused/petitioner i.e. Sukhdev Singh and Harpal Singh on the intervention of friends and respectables of the society. We have mutually decided to live in peace and harmony. We have entered into the present compromise with our own will and free consent without having any kind of pressure. The compromise is genuine, voluntary and without any coercion or undue influence.

We have no objection if the FIR No.0161 dated 17.08.2018, Under Section: 323, 324, 452, 427, 506, 148, 149 of IPC (later on 326 of IPC added on 27.08.2018 vide rapat No.27), Police Station: City Patti, Distt. Tarn Taran, registered against above named accused Sukhdev Singh and Harpal Singh be quashed being compromised.”

In view of the above, no useful purpose would be served to

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.0161 dated 17.08.2018 registered under Sections 323, 324, 452, 427, 506, 148, 149 of IPC (Section 326 IPC added lateron) at Police Station City Patti, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 17.10.2018 (Annexures P-2 and P-3), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the All India Pingalwara Charitable Society (Regd.), Amritsar, within one month from today.

The petitioners shall produce a receipt of deposit of aforesaid amount of Rs.10,000/-, in the Registry, failing which, the present petition shall deem to have been dismissed.

(HARI PAL VERMA)
JUDGE

13.08.2019
sanjeev

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