

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

CRM-M-42727-2018
Date of decision:6.5.2019

Gurmail Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: None for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks quashing of complaint No.RBT No.233 dated 26.11.2012/12.3.2012 under Sections 323, 324, 326, 34 of the Indian Penal Code and also consequent proceedings including judgment dated 25.1.2018 passed by learned Additional Chief Judicial Magistrate, Moga whereby he has been held guilty of offence punishable under Section 324 read Section 34 and Section 326 read with Section 34 IPC on grounds of compromise.
2. Vide order dated 28.9.2018 the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get their statements recorded with regard to the genuineness of the compromise.
3. Report of learned Additional Chief Judicial Magistrate, Moga has

been received wherein it has been reported that statements of the petitioners as well as of complainant-Gurmail Singh have been recorded who have stated that they have compromised the matter and that complainant has no objection in case petitioner is acquitted of the charges framed against him. It has specifically been opined by learned Magistrate that it is apparent that compromise qua present complaint has been effected with accused without any inducement, threat, pressure or coercion and out of his free will and volition.

4. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and complaint No.RBT No.233 dated 26.11.2012/12.3.2012 under Sections 323, 324, 326, 34 of the Indian Penal Code and also consequent proceedings are quashed qua the petitioner. Consequently, the judgment dated 25.1.2018 passed by learned Additional Chief Judicial Magistrate, Moga whereby the petitioner has been held guilty of offence punishable under Section 324 read Section 34 and Section 326 read with Section 34 IPC is set aside.

(GURVINDER SINGH GILL)
JUDGE

6.5.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No