

275/A.

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

CRM-M-28844-2019

Date of decision: 04.11.2019

SEWAK SINGH @ KATTA & ORS.

... Petitioners

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

ASI Sharanjit Singh.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.40 dated 29.05.2019 registered under Sections 323, 324, 148, 149 of IPC (Sections 325, 326 of IPC added lateron) at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

This Court vide order dated 10.07.2019 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 Sub Divisional Judicial Magistrate, Sultanpur Lodhi and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.10.2019 to the effect that the

compromise is genuine and has been effected between the parties voluntarily, without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Darshan Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 25.09.2019. The same is reproduced as under:-

“Stated that, I have compromised the matter with petitioners/accused Sewak Singh @ Katta son of Sadhu Singh, Ranjit Singh @ Nikka son of Dilbagh Singh, Mangat Ram @ Kaddu son of Sadhu Singh, Manga @ Jorra son of Dilbagh Singh, Mohinder Siingh son of Rehmat Singh, Harwinder Kaur wife of Mohinder Singh, Jagir Kaur wife of Rahmat Singh, Akashdeep @ Akash Sahota through his father Shinder Singh and Balkar Singh son of Mehar Singh, all residents of village Kahna Nasirpur, Tehsil Sultanpur Lodhi and District Kapurthala, voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. I have no objection, if present FIR against petitioners/accused be quashed.”

Apart from above, a similar statement has been made by Jaswinder Singh-respondent No.3, whereby he has shown no objection in case the FIR in question is quashed qua the petitioners.

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.40 dated 29.05.2019 registered under Sections 323, 324, 148, 149 of IPC (Sections 325, 326 of IPC added lateron) at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-3).

(HARI PAL VERMA)
JUDGE

04.11.2019
sanjeev

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