

275.

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

CRM-M-29807-2019

Date of decision: 04.11.2019

DARSHAN SINGH AND ANR

... 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 DDR No.28 dated 31.05.2019 under Sections 323, 354, 34 of IPC in 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 17.07.2019 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, Jagir Kaur but no prejudice would be caused to her as she has already made her 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 Darshan Singh son of Bahadur Singh and Jaswinder Singh son of Darshan Singh, both residents of village Kahna Nasirpur, Tehsil Sultanpur Lodhi, 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 accused be quashed.”

Apart from above, similar statements have been made by Akashdeep @ Akash Sahota and Mangat Ram @ Mangal Singh i.e. respondents No.3 and 4 respectively, whereby they have 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 case.

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 DDR No.28 dated 31.05.2019 under Sections 323, 354, 34 of IPC in 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