

244.

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

CRM-M-62025-2018

Date of decision:08.03.2019

RAJINDER SINGH AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. K.B.S. Mann, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

None for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.264 dated 17.11.2018 registered under Sections 452/354/323/34 of IPC at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 10.12.2018 (Annexure P-2).

This Court vide order dated 21.12.2018 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.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Malout and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 25.01.2019 to the effect that the compromise has been effected between the parties voluntarily, without any threat or any undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Balraj Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 21.01.2019. The same is reproduced as under:-

“Stated that the FIR No.264 dated 17.11.2018 u/s 452/354/323/34 IPC was registered in PS Lambi on my statement against accused Rajinder Singh son of Baljit Singh, Manpreet Singh son of Rajinder Singh, both resident of Mithri Budhgir, Tehsil Malout, District Sri Muktsar Sahib. I have entered into compromise with the above stated persons without any coercion or undue influence that now I have no grudge against the above stated accused persons. I have no objection if the above said FIR is ordered to be quashed against the above stated person. There is no other criminal proceeding pending against me in any court or in police station. This compromise is in favour of both the parties. My ID Proof is Mark-A duly signed by me.”

Apart from above, a similar statement has been made by Jaspreet Kaur who is the wife of Balraj Singh whose clothes were torn in the scuffle, whereby she has shown no objection to the FIR being quashed.

Learned State counsel 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.264 dated 17.11.2018 registered under Sections 452/354/323/34 of IPC at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 10.12.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

08.03.2019

sanjeev

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