

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

CRM-M-4867 of 2019.

Decided on:- February 10, 2020.

Harbans Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Kamal Narula, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. K.S. Mamrat, Advocate for
Mr. Ashok Kumar Sama, Advocate
for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.191 dated 18.11.2015 under Sections 452, 354, 323, 148 and 149 IPC (Sections 325 and 326 IPC added later on) registered at Police Station Guruharsahai, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 21.01.2019 (Annexure P-2).

This Court vide order dated February 01, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Sub Divisional Judicial Magistrate, Guruharsahai and got their statements recorded on 07.03.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 07.03.2019 to the effect that the complainant party has voluntarily entered into a compromise with accused without any coercion, undue influence and pressure, with the intervention of the respectable persons of the locality.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Raj Singh. He has already made a statement before learned Magistrate in support of compromise on 07.03.2019, which reads as under:

“Stated that FIR No.191 dated 18.11.2015 under Sections 452, 354, 323, 148, 149 IPC and offence under Section 326, 325 of IPC added later on was got registered by me against Harbans Singh son of Dilawar Singh, Paramjit Singh son of Harbans Singh, Karan Singh son of Harbans Singh, Roop Singh son of Harbans Singh, Sikandar Singh son of Dilawar Singh all resident of village Issa Panj Garai, Tehsil Guruharsahai, District Ferozepur and we both are injured in the above referred FIR.

With the intervention of the respectable, I have compromised the matter with accused/petitioners. Now we are having no grudge against each others. We have effected compromise with our free will and without any kind of coercion, undue influence and pressure. We want to live in peace and harmony. I have no objection if the present FIR be quashed.”

Similarly, respondents No.3 and 4, who are injured in the case, have also made a joint statement before learned Magistrate on 07.03.2019 in support of compromise.

Learned counsel for the petitioners has produced a copy of the receipt of payment of costs of Rs.5,000/- deposited with the Bar Association of this Court in compliance of order dated November 28, 2019 passed by this Court, which is taken on record.

Learned State counsel and learned counsel for respondents No.2 to 4 have not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the FIR No.191 dated 18.11.2015 under Sections 452, 354, 323, 148 and 149 IPC (Sections 325 and 326 IPC added later on) registered at Police Station Guruharsahai, District Ferozepur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavit dated 21.01.2019 (Annexure P-2).

February 10, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No