

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-550 of 2021

Date of Decision: 12.03.2021

Balwinder Singh & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Amardeep Singh, Advocate
for the petitioners.

Mr. R.S. Thind, DAG, Punjab.

Ms. Kanu Sharma, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.189 dated 07.12.2019 under Sections 323, 324, 325, 326, 506, 34 IPC registered at Police Station Sarhali, District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 17.02.2020 (Annexure P-2).

This Court vide order dated 07.01.2021 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected between the parties on the basis

of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Tarn Taran and got their statements recorded. Learned Magistrate has forwarded his report dated 22.01.2021 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence. The statement of the complainant-respondent no.2 recorded by the learned Magistrate on 19.01.2020 in support of the compromise reads as under:-

“Stated that I am the complainant in the FIR no.189 dated 07.12.2019 under Sections 323/324/325/326/506/34 of IPC, P.S. Sarhali and I have compromised the matter with accused Balwinder Singh son of Harbhajan Singh, Bhajan Singh @ Harbajan Singh, Gurjinder Singh son of Bhajan Singh, Rattan Singh son of Late Surta Singh, all residents of village Dhotian, Tehsil and District Tarn Taran, in above said FIR no.189 dated 07.12.2019 under Sections 323/324/325/326/506/34 of IPC, P.S. Sarhali, with the intervention of respectable persons. The original compromise is attached with the Quashing petition pending before the Hon’ble High Court, Chandigarh, self attested copy of Aadhar Card is Ex.C1. The above said compromise is genuine and is without any pressure and coercion and undue influence. I and accused persons shall live peacefully in future. I have no objection if the abovesaid FIR be quashed.”

Learned counsel for respondent no.2 does not dispute the factum of compromise so entered between the parties and submits that the complainant has no objection to the FIR being quashed.

Learned State counsel also does not dispute the compromise entered between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, 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.189 dated 07.12.2019 under Sections 323, 324, 325, 326, 506, 34 IPC registered at Police Station Sarhali, District Tarn Taran (Annexure P-1) and the consequential proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise dated 17.02.2020 (Annexure P-2).

March 12, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No