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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32576-2020
Date of decision: 25.03.2021

Daljit Singh and others ... Petitioners

Versus

State of Punjab and another .... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. L.S. Mann, Advocate,
for the petitioners.

Mr. H.S. Sitta, A.A.G., Punjab.

HARI PAL VERMA, J.*(Oral)*

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.205 dated 27.08.2020 under Sections 325, 323, 34 IPC, registered at Police Station Mehatpur, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 06.10.2020 (Annexures P-2).

This Court vide order dated 13.10.2020 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 Judicial Magistrate Ist Class, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.10.2020 to the effect that the compromise is

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genuine, voluntary, without any coercion and undue influence and the same has been effected with the free will and consent of the parties.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jaswinder Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 16.10.2020. The same is reproduced as under:-

> *"I have compromised with accused party i.e. Daljit Singh s/o Jaswant Singh r/o Awan Khalsa, PS Mehatpur, Paramjit Singh @ Pamma s/o Daljit Singh r/o Vill. Awan Khalsa, PS Mehatpur, Darshan Singh @ Bittu s/o Amir Singh r/o Vill. Kadian Wali, PS Sadar Jamsher and Balwinder Singh s/o Amir Singh r/o Vill. Kadian Wali, PS Sadar Jamsher, Distt. Jalandhar in the above mentioned case in the presence of respectable persons of both the parties. The compromise is voluntarily, without any inducement, threat, pressure or coercion. Now there is no grudge against the accused party. We want to live peacefully in the society in future. We do not want to take any action against the accused in the present case. We have got no objection, if the present FIR against the above mentioned accused be quashed by the Hon'ble High Court of Punjab and Haryana at Chandigarh. The present compromise has been taken place with the free consent and without any pressure."*

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 FIR.

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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***, this petition is allowed and F.I.R. No.205 dated 27.08.2020 under Sections 325, 323, 34 IPC, registered at Police Station Mehatpur, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner, on the basis of compromise deed dated 06.10.2020 (Annexures P-2).

(HARI PAL VERMA)
JUDGE

March 25, 2021
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Whether speaking/reasoned? Yes
Whether reportable? No

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