

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

CRM-M-29656-2019 (O&M)

Date of decision: 18.2.2021

Surinder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Gurpal Singh Sandhu, Advocate, for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Ms. Rajwinder Kaur, Advocate, for

Mr. K.S. Brar, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

CRM-3740-2021

This is an application for preponing the date of hearing of the
main case.

Notice of the application.

Mr. Luvinder Sofat, AAG, Punjab and Ms. Rajwinder Kaur,
Advocate accepts notice on behalf of respondents No.1 and 2 respectively.
They have no objection if the present application is allowed and the date of
hearing is preponed. Accordingly, the present application is allowed and the
main case is preponed to today itself. The main case is taken on board
today.

Main case

Prayer in this petition is for quashing of FIR No.62 dated

28.7.2015 registered under Sections 295-A, 296, 323, 506, 120-B, 34 IPC at Police Station Bariwala, District Sri Muktsar Sahib on the basis of compromise dated 3.7.2019 (Annexure P-2).

The above stated FIR was registered on the statement of the complainant/respondent No.2-Surjit Singh.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity of the compromise vide order dated 16.7.2019.

Report has been received from Judicial Magistrate, 1st Class, Sri Muktsar Sahib, as per which, complainant-Surjit Singh and the petitioners had appeared and got recorded their statements in the said Court, in which, they have admitted about the factum of compromise. They also stated that the said compromise was effected voluntarily, without any pressure, coercion and undue influence. The complainant also stated that he has no objection if the FIR in question is quashed by this Court. Copies of the aforesaid statements of the parties were also received along with the report of the Court concerned.

I have heard learned counsel for the parties besides going through the record.

The present FIR was registered against the petitioners on the basis of the statement of respondent No.2, as per which, at the time of the occurrence, petitioner No.1-Surinder Singh along with petitioner No.2-Lakhwinder Singh humiliated him and also tossed his turban and showed disrespect to him and also hurt his religious sentiments by pulling his beard

As per report received from the Court concerned, the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence. Counsel for respondent No.2 during the arguments admitted the factum of the compromise which has been effected between the parties. He has no objection if the FIR in this case is quashed on the basis of the compromise. Even the learned State counsel has not refuted the factum of the aforesaid compromise which has been effected between the parties. He on instructions from ASI Balwinder Singh submits that the petitioners are not required by the police in any other criminal case and no other person is involved in the present case except for the petitioners.

It stands proved that the compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer wastage of time of the Court as well as the parties.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties. There is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question. This will enable the parties to live in peace and enjoy their life in a dignified way.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No.62 dated 28.7.2015 registered under Sections 295-A, 296, 323, 506, 120-B, 34 IPC at

proceedings are hereby quashed qua the petitioners.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-2 in letter and spirit.

(**KARAMJIT SINGH**)
JUDGE

February 18, 2021

Paritosh Kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No