

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

CRM-M-36980 of 2020.

Decided on:- February 18, 2021.

Angrej Singh and others

.....Petitioners.

Versus

The State of Punjab and others

.....Respondents.

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

Present:- Mr. Baltej Singh Sidhu, Advocate
for the petitioners.

Mr. Manreet Singh Nagra, A.A.G., Punjab.

Mr. Satveer Singh, Advocate
for respondents No.2 to 5.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.16 dated 26.01.2019 under Sections 452, 324, 323, 148 and 149 IPC registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.10.2020 (Annexure P-2).

This Court vide order dated 10.11.2020 had directed the parties to appear before the Illaqa Magistrate/Duty 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 dated 10.11.2020 passed by this Court, the parties had appeared before learned Judicial Magistrate 1st Class, Malout and got their statements recorded on 13.01.2021. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 13.01.2021 with regard to the compromise effected between the parties to the effect that the compromise is genuine, voluntary and out of free will.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Prem Singh. He along with respondents No.3 to 5 has already made a joint statement before learned Magistrate in support of the compromise, which reads as under:

“Stated that FIR No.16 dated 26.01.2019 U/S 452/324/323/148/149 IPC Police Station Lambi was registered against Angrej Singh son of Sukhdev Singh @ Raja, Mewa Singh son of Gurjant Singh both residents of villae Gill Khurdh, District Bathinda and Bhinder Singh @ Hakam Singh son of Dayal Singh R/o village Lehra Khanna, District Bathinda, on the statement of Prem Singh son of Gura Singh. Now the matter has been compromised with the intervention of the respectable amicably. The compromise has been effected voluntarily, without undue influence, any coercion, fraud or misrepresentation and with the free will of the parties. We have no objection if the FIR No.16 dated 26.01.2019 U/S 452/324/323/148/149 IPC Police Station Lambi and further proceedings, is quashed.”

Learned counsel for the petitioners submits that inadvertently, Section 326 IPC could not be incorporated in the head note and prayer clause

of the petition, though the matter has been compromised between the parties qua the said offence as well.

Learned State counsel and learned counsel for the respondents No.2 to 5 have not disputed the factum of compromise between the parties including the offence under Section 326 IPC.

Accordingly, the Registry is directed to add the offence under Section 326 IPC in the head note as well as the prayer clause of the petition.

In view of the above, this Court finds that there is no impediment in quashing of the FIR in question qua the petitioners. In fact, 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.16 dated 26.01.2019 under Sections 452, 324, 323, 148 and 149 IPC as well as the offence under Section 326 IPC registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 14.10.2020 (Annexure P-2).

February 18, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No