

236(a)

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

CRM-M-37295-2020

Date of decision: 18.02.2021

Prem Singh and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Satveer Singh, Advocate,
for the petitioners.

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

Mr. Baltej Singh Sidhu, Advocate,
for the respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

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

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.42 dated 27.01.2019 registered under Sections 323, 324, 341, 34 IPC, (the offence under Section 326 IPC was added later on) (Annexure P-2) in FIR No.0016 dated 26.01.2019 under Sections 452, 324, 323, 148, 149 IPC at Police Station Lambi, Tehsil Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.10.2020 (Annexure P-3).

This Court vide order dated 16.11.2020 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, Malout and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.01.2021 to the effect that the compromise effected between the parties is genuine, voluntary and out of free Will.

Respondents No.2 to 4 have made their joint statement with regard to compromise before learned Magistrate. The same is reproduced as under:-

“Stated that DDR No. 42 dated 27.01.2019 U/s 323/324/341/34 IPC Later on vide DDR No. 31 dated 09.03.2019 Section 326 IPC was added in FIR No. 16 dated 26.01.2019 U/S 452/324/323/148/149 IPC was registered against Prem Singh son of Gura Snigh, Manpreet Singh son of Tehal Singh, Manpreet Singh son of Boota Singh and Tippli @ Arshdeep Singh son of Baljinder Singh, All residents of village Maan, Tehsil Malout, District Sri Muktsar Sahib, on the statement of Mewa Singh son of Gurjant 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 DDR No. 42 dated 27.01.2019 U/s 323/324/341/34 IPC Later on vide DDR No.31 dated 09.03.2019 Section 326 IPC was added

in FIR No. 16 dated 26.01.2019 U/S 452/324/323/148/149 IPC and further proceedings is quashed.”

Learned State counsel and learned counsel for respondents No.2 to 4 have 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 case.

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 DDR No.42 dated 27.01.2019 registered under Sections 323, 324, 341, 34 IPC, (the offence under Section 326 IPC was added later on) (Annexure P-2) in FIR No.0016 dated 26.01.2019 under Sections 452, 324, 323, 148, 149 IPC at Police Station Lambi, Tehsil Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 14.10.2020 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

February 18, 2021
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Whether speaking/reasoned?	Yes
Whether reportable?	No