
(2018) 08 P&H CK 0038
In the Punjab And Haryana At Chandigarh
Case No : Criminal Misc. No.M-9311 of 2018

Jagmeet Singh and another

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 02-08-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 323, 324

Citation : (2018) 08 P&H CK 0038

Hon'ble Judges : HARI PAL VERMA, J

Bench : Single Bench

Advocate : Baltej Singh Sidhu, Surinder Pal Singh Tinna, Arshdeep Singh Sra

Final Decision : Allowed

Judgement

This order shall dispose of the aforementioned two petitions filed under Section 482 Cr.P.C. as the same have arisen out of a common incident and a similar prayer has been made in both the petitions.

The petition bearing No. CRM-M-9311 of 2018 has been filed for quashing of the F.I.R. No. 162 dated 14.07.2017 under Sections 324/323/34

IPC(326 IPC added on 15.08.2017) registered at Police Station Lambi, Distt. Sri Muktsar Sahib and all consequential proceedings arising therefrom on

the basis of compromise dated 06.01.2018. Similarly, the other petition bearing No. CRM-M-9347-2018 has been filed for quashing of the cross

version recorded vide DDR No.53 dated 14.07.2017 under Sections 324/323/34 IPC (326 IPC added on 15.08.2017) at Police Station Lambi, Distt. Sri

Muktsar Sahib in the aforementioned FIR. However, for convenience and clarity, a detailed order is being passed in the petition bearing No. CRM-M-

9311 of 2018.

This Court vide order 06.03.2018 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with

regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so

effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Sub Divisional Judicial Magistrate, Malout and have got their statements recorded.

On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 22.03.2018 to the effect that the

compromise has been arrived at by the parties is voluntarily, without any threat and coercion.

The factum of compromise between the parties has not been disputed by learned State counsel.

The statement of the complainant- Jagdeep Singh recorded on 22.03.2018 reads as under:-

â??Stated that with the intervention of respectables of the village, I have compromised with accused Jagmeet Singh and Avtar Singh. I have no

grievance against the accused now. I have effected compromise with our own free will, without any pressure of any kind. The compromise is in the

benefit of both the parties. I produce photostat copy of Adhar Card Mark A my identification â??.

Statement of the complainant- Labh Singh recorded on 22.03.2018 reads as under:-

â??Stated that with the intervention of respectables of the village, I have compromised with accused Jagmeet Singh and Avtar Singh. I have no

grievance against the accused now. I have effected compromise with our own free will, without any pressure of any kind. The compromise is in the

benefit of both the parties. I produce photostat copy of Adhar Card Mark B my identificationâ??.

Similarly, in the connected petition i.e. CRM-M-9347 of 2018, the statement of Avtar Singh, who is author of the DDR in question recorded by the

Magistrate on 22.03.2018, reads as under:-

â??Stated that with the intervention of respectables of the village, I have compromised with accused Sandeep Singh, Jagdeep

Singh and Labh Singh. I have no grievance against the accused now. I have

effected compromise with our own free will, without any pressure of any kind. The compromise is in the benefit of both the parties. I produce photostat copy of Adhar Card Mark A my identificationâ??.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. as well as the

cross version. Thus, following the principles laid down by the Full Bench judgment of this Court in Kulwinder Singh and others v. State of Punjab and

another, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the

Hon'ble Supreme Court in Gian Singh vs. State of Punjab and others, (2012)12 SCC 303, both these petitions are allowed. Consequently, the FIR

No.162 dated 14.07.2017 under Sections 324/323/34 IPC (326 IPC added on 15.08.2017) registered at Police Station Lambi, Distt. Sri Muktsar Sahib

(Annexure P-1) and the subsequent proceedings arising therefrom including the cross-version recorded in the aforesaid FIR at Police Station Lambi

vide DDR No.53 dated 14.07.2017 under Sections 324/323/34 IPC (326 IPC added on 15.08.2017) are quashed on the basis of compromise dated

22.03.2018 (Annexure P-2) subject to the deposit of Rs. 10,000/-, as costs, in each petition, with the Punjab and Haryana High Court Bar Association

in the Lawyer's Welfare Fund.