

(2011) 05 P&H CK 0292

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No"s. M-11395 and 11396 of 2011

Karamjit Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: May 27, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 323, 324, 326, 34

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Kanwaljit Singh Ahluwalia, J.

By this common order, both the petitions viz. Criminal Misc. Nos. M-11395 of 2011 and M-11396 of 2011 titled as "Karamjit Singh and Ors. v. State of Punjab and Anr.", shall be decided together. The facts shall be gathered from Criminal Misc. No. M-11395 of 2011.

2. The present petitions have been filed u/s 482 Code of Criminal Procedure seeking quashing of FIR Nos. 20 dated 10.3.2008 and 21 dated 13.3.2008, both registered at Police Station Nihal Singhwala, Moga, District Moga, under Sections 326, 324, 323 and 34 IPC on the basis of compromise (Annexure P2).

This Court, on 19.4.2011, has passed the following order in Criminal Misc. No. M-11395 of 2011:

In the present petition, a prayer has been made that FIR No. 21 dated 13.3.2008, registered at Police Station Nihal Singh Wala, District Moga, under Sections 326, 324, 323 and 34 IPC be quashed on the basis of compromise (Annexure P2). Reliance has been placed on the judgment rendered by the Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR (Cri) 1052.

Issue notice of motion.

Mr. K.B.S. Mann, Advocate, who is present in the Court, accepts notice on behalf of Respondent No. 2.

The parties are directed to appear before the trial Court, which shall verify the factum of compromise after examining the accused and the complainant/injured and thereafter submit a report to this Court. Learned Counsel for the Petitioners undertakes that the accused and complainant/injured shall appear before the trial Court on 28.4.2011.

To await the report of the trial Court, list on 10.5.2011.

3. Exactly, a similar order was passed in the other petition.

4. In compliance with the order dated 19.4.2011, the Court of Judicial Magistrate Ist Class, has submitted his reports, relevant portion whereof reads as under:

... Complainant/injured Rajinder Gir appeared and made a statement that on the basis of his statement, FIR No. 21 dated 13.03.2008, under Ss 326, 324, 323, 34 of IPC was registered at P.S. Nihal Singh Wala, against Darshan Singh, Karamjit Singh and Jagjit Singh. Due to intervention of panchayat and respectables of the village, he has compromised the matter with the accused persons. The said compromise is volunteered and without any kind of duress or pressure. Now, they have no grudge against each other. He does not want to proceed the case further against the accused persons. All the accused also appeared and made a joint statement that the parties have compromised the matter and now living in the village peacefully. They have no grudge against each other.

Thus, after going through the said statements and record of the case, Court is satisfied that a compromise has been effected between the parties with their free will and volition, which is without any pressure or duress...

5. Learned Counsel for the Petitioners has relied upon a judgment rendered by a Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Another 2007 (3) RCR (Cri) 1052.

6. I have heard learned Counsel for the parties and perused the record.

7. Learned Counsel for the complainant/Respondent No. 2 has submitted that in view of the compromise which has been verified by the Court of Judicial Magistrate Ist Class, Moga, both the FI Rs be quashed.

8. Taking into consideration the fact that the compromise has been arrived at between the parties and the same has been duly verified by the trial Court and taking into account the observations made in Kulwinder Singh's case (supra), both the petitions are accepted. The impugned FI Rs along with all the consequential proceedings are quashed.