

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: August 26, 2015

(1) CRM-M-No. 23852 of 2015

Rajesh Kumar and othersPetitioners

Versus

State of Punjab and anotherRespondents

AND

(2) CRM-M-No. 23821 of 2015

Mukesh Kumar and othersPetitioners

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashok Kumar Khunger, Advocate for the petitioners.
in CRM-M-23852 of 2015 and
for respondent no.2 in CRM-M-23821 of 2015.

Mr. Tarun Singla, Advocate,
for the petitioners in CRM-M-23821 of 2015 and
for respondent No.2 in CRM-M-23852 of 2015.

Mr. Gurinderjit Singh, Deputy Advocate General, Punjab.

HARI PAL VERMA, J. (ORAL)

This order shall dispose of CRM-M-23852 of 2015, titled
'Rajesh Kumar and others vs. State of Punjab and another' and CRM-
M-23821 of 2015, titled *'Mukesh Kumar and others vs. State of Punjab
and another'* as both these petitions arising out of FIR No.149 dated
03.08.2009, under Sections 324/323/34 of Indian Penal Code, registered

at Police Station, Sadar Abohar, District Fazilka(Annexure P-1).

In CRM-M No.23852 of 2015, prayer has been made for quashing of the aforesaid FIR whereas in CRM-M-No.23821 of 2015, prayer has been made for quashing of cross-version case registered vide DDR No. 20, dated 12.08.2009 in the aforesaid FIR, on the basis of compromise dated 03.07.2015 and affidavit of respondent No.2, dated 03.07.2015 (Annexures P-2 & P-3 respectively in CRM-M-No.23852 of 2015 and Annexures P-4 & P-5 respectively in CRM-M-No.23821 of 2015), along with all the subsequent proceedings arising therefrom.

Vide order dated 23.07.2015, parties in both cases were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was further directed to submit its report about the genuineness of the compromise, as per the statements of the parties so recorded.

Pursuant to the order dated 23.07.2015, the learned Judicial Magistrate Ist Class, Abohar, has submitted separate reports in both the cases, vide letters dated 31.07.2015, which reveal that the parties appeared before it and got recorded their respective statements with regard to validity of compromise. As per the report, compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Now no dispute is pending 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 FIR, as

well as cross-version arising out of the said FIR *qua* the petitioners.

Consequently, in view of compromise dated 03.07.2015 and affidavit of respondent No.2, dated 03.07.2015 (Annexures P-2 & P-3 respectively in CRM-M-No.23852 of 2015 and Annexures P-4 & P-5 respectively in CRM-M-No.23821 of 2015) and keeping in view of the principles laid down in the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, both the petitions are allowed.

Accordingly, FIR No.149 dated 03.08.2009, under Sections 324/323/34 of Indian Penal Code, registered at Police Station, Sadar Abohar, District Fazilka(Annexure P-1), and cross-version case registered vide DDR No. 20, dated 12.08.2009 in the aforesaid FIR, on the basis of compromise dated 03.07.2015, affidavit of respondent No.2, dated 03.07.2015 (Annexures P-2 & P-3 respectively in CRM-M-No.23852 of 2015 and Annexures P-4 & P-5 respectively in CRM-M-No.23821 of 2015) and all other subsequent proceedings arising out of the said FIR as well as cross-version, are hereby quashed.

A photocopy of this order be placed on the connected case i.e. *CRM-M-No.23821 of 2015*.

August 26, 2015
Anjal

(HARI PAL VERMA)
JUDGE