

264.

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

CRM-M-12287-2016

Date of decision:30.09.2016

Ashwani Kumar @ Anshu and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.S. Rangpuri, Advocate,
for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.142 dated 04.09.2015 under Sections 365, 323, 148, 149 of IPC, registered at Police Station Muktsar City, District Muktsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.01.2016 (Annexure P-2).

This Court vide order dated 08.04.2016 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, however, parties could not appear. Again vide order dated 03.06.2016, parties were directed to appear before learned Illaqa Magistrate/trial Court to get their statements recorded.

Pursuant to the aforesaid order dated 03.06.2016, parties have appeared before learned Chief Judicial Magistrate, Sri Muktsar Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.09.2016 to the effect that the compromise arrived at between parties is voluntary and without any pressure or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Gurpartap Singh @ Raju, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 26.09.2016. The same is being reproduced as under:-

“Stated that FIR No.142 dated 4.9.2015 U/S 365/323/148/149 of IPC PS City Sri Muktsar Sahib was registered against Ashwani Kumar @ Anshu son of Murari Lal, Sanjeev Kumar son of Murari Lal, Pala Singh son of Bakhtaur Singh, Bhaiya @ Raju C/o Ashwani Kumar @ Anshu, Bittu @ Jaswinder Singh on my statement. Now the matter has been compromised with the intervention of the respectables amicably. The compromise has been effected voluntarily, without any coercion, fraud or misrepresentation and with the free will of the parties. I have no objection if the FIR No.142 dated 4.9.2015 U/S 365/323/148/149 of IPC PS City Sri Muktsar Sahib, is quashed.”

Learned State counsel has 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 F.I.R.

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 F.I.R. No.142 dated 04.09.2015 under Sections 365, 323, 148, 149 of IPC, registered at Police Station Muktsar City, District Muktsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.01.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.