

259.

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

CRM-M-14293-2016 (O&M)

Date of decision:04.11.2016

Brijlal

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanjay Malhotra, Advocate,
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. Ravinder Sharma, Advocate,
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.74 dated 23.08.2012 under Section 380 IPC, registered at Police Station Phase 11, SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.03.2016 (Annexure P-2).

This Court vide order dated 28.04.2016 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.

Pursuant to the aforesaid order, parties have appeared before learned Additional Chief Judicial Magistrate, SAS Nagar (Mohali) and got their statements recorded. On the basis of the statements so recorded,

learned Magistrate has submitted report to the effect that the compromise effected between parties seems to be genuine and without any pressure or coercion.

Respondent No.2-complainant, namely, Mritunjay Kumar has made his statement with regard to compromise before learned Magistrate on 19.05.2016. The same is reproduced as under:-

“I have arrived at compromise with the accused Brijlal with the intervention of respectable/common friends vide compromise dated 29.03.2016, same is Ex. C1. There is no proclaimed offender in this case. Now, I have no grievance against the accused. I have arrived at compromise without any pressure, coercion, misrepresentation, fraud or undue influence. I do not want to pursue the present case. I have no objection, if the accused is acquitted in the present case or the FIR in question is quashed.”

Learned State counsel as well as learned counsel for respondent No.2 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 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.74 dated 23.08.2012 under Section 380 IPC, registered at Police Station Phase 11, SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are

quashed qua the petitioner on the basis of compromise dated 29.03.2016
(Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.11.2016
sanjeev

Whether speaking/reasoned	Yes/No.
Whether Reportable:	Yes/No.