

264.

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

CRM-M-14861-2016

Date of decision:29.08.2016

Vishnu Chawla

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. P.S. Madahar, AAG, Punjab.

Mr. Ashish Bakshi, 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.130, dated 18.09.2014 under Sections 454/380 IPC registered at Police Station Lohian, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.04.2016 (Annexure P-2).

This Court vide order dated 02.05.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Sub Divisional Judicial Magistrate, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 19.05.2016 to the effect that the

compromise effected between parties is voluntary.

Respondent No.2-complainant, namely, Ravi Shankar has made his statement with regard to compromise before learned Magistrate on 12.05.2016. The said statement reads as under:-

“Stated that I have got the present FIR No.130 of 18.09.2014, U/S 454/380, 411 of IPC PS Lohian registered against accused Vishnu Chawla son of Lek Raj Chawla, resident of Ward No.8, Lohian. Now, I have compromised the matter as per compromise Ex.CX with the intervention of respectable persons of the locality voluntarily and without any pressure or coercion on the part of anybody. Now, I have no dispute with accused. I do not want to pursue FIR No.130 of 18.09.2014, U/S 454/380, 411 of IPC, PS Lohian and I have got no objection in case the FIR is quashed against the above said accused.”

The 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.130, dated 18.09.2014 under Sections 454/380 IPC registered at Police Station Lohian, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 21.04.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

29.08.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.