

274.

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

CRM-M-16206-2016

Date of decision:05.08.2016

Dharamvir @ Bobby and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Rohit Ahuja, Advocate,
for the petitioners.

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

Mr. Sanjeev Roy, Advocate,
for Mr. Umesh Kumar Kanwar, 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.31 dated 29.01.2015 (Annexure P/1) under Sections 324, 452, 148, 149 IPC, registered at Police Station Kapurthala City, District Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise dated 23.02.2016 (Annexure P-2).

This Court vide order dated 11.05.2016 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 Chief Judicial Magistrate, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 15.06.2016 to the effect that the

compromise between the parties is genuine and without any threat, coercion or pressure.

Respondent No.2-complainant, namely, Kulwant Singh has made his statement with regard to the compromise before learned Magistrate on 30.05.2016. The same is being reproduced as under:-

“Stated that I am the complainant of the present case. I have registered a case vide FIR No.31 dated 29.01.2015 under Sections 324/452/148/149 IPC, P.S. City Kapurthala against the accused. Now, I have compromised with accused Dharam Vir @ Bobby son of Kewal Krishan, Love son of Dharamvir, Panka @ Panaka son of Vijay Kumar @ Gugg, Yoges @ Kal son of Vijay Kumar and Vijay Kumar @ Gugg son of Babbu Ram, all residents of Mohalla Neecha Banda, near Amrit Bazar, Kapurthala, District Kapurthala. I do not want to proceed with the present case. I made a statement without any pressure, coercion or any inducement.”

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.31 dated 29.01.2015

(Annexure P/1) under Sections 324, 452, 148, 149 IPC, registered at Police Station Kapurthala City, District Kapurthala and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 23.02.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

05.08.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.