

267.

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

CRM-M-16959-2016

Date of decision:04.10.2016

Ashok Kumar and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashdeep Singh, Advocate,
for the petitioners.

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

Ms. Harjeet Kaur, 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.10 dated 26.01.2016 under Sections 458/427/506/34/120-B of IPC, registered at Police Station Canal Colony Bathinda, District Bathinda (Annexure P-1/T) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.04.2016 (Annexure P-2/T).

Ms. Harjeet Kaur, Advocate, has put in appearance on behalf of respondent No.2 and filed vakalatnama which is taken on record.

This Court vide order dated 17.05.2016 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 Judicial Magistrate Ist Class, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.06.2016 to the effect that the compromise has been effected between parties voluntarily and with their free will and without any coercion or undue influence.

Respondent No.2-complainant, namely, Sanjay Kumar has made his statement with regard to compromise before learned Magistrate on 03.06.2016. The same is reproduced as under:-

“I have compromised with Ashok Kumar son of Madan Lal, Umesh Kumar son of Madan Lal and Madan Lal @ Bagga son of Nand Ram, r/o house no.11855, gali no.3, Sanguana Basti Bathinda, District Bathinda in FIR no.10 dated 26.01.2016 u/s 458/427/506/34/120-B IPC P.S. Canal Colony Bathinda. I have no objection if the FIR against above said persons is quashed on the basis of compromise. The written compromise with accused is Ex. Cx on which I identify my signature. The compromise is genuine, voluntary and without any coercion or undue influence.”

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.10 dated 26.01.2016

under Sections 458/427/506/34/120-B of IPC, registered at Police Station Canal Colony Bathinda, District Bathinda (Annexure P-1/T) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 14.04.2016 (Annexure P-2/T).

(HARI PAL VERMA)
JUDGE

04.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.