

267.

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

CRM-M-1727-2016

Date of decision:09.12.2016

Avtar Singh

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Tara Chand Dhanwal, Advocate,
for the petitioner.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab,
for respondent No.1.

Mr. Vikas Kumar, 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.123 dated 05.11.2015 under Sections 323/295-A/506 IPC, registered at Police Station Division No.8 (Kailash Chowk), Ludhiana City, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 14.12.2015/28.12.2015 (Annexures P-2 & P-3) respectively.

This Court vide order dated 20.05.2016 had directed the parties to appear before the Illaqa Magistrate 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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.09.2016 to the effect that the compromise effected between parties is genuine and is result of free volition of the parties and without any inducement, threat or pressure.

Respondent No.2-complainant, namely, Hardeep Singh has made his statement with regard to compromise before learned Magistrate on 12.09.2016. The same is reproduced as under:-

“Stated that I am complainant in FIR No.123 dated 5/11/2015, u/s 323/295 A IPC, PS Div. No.8, Ldh. That I have compromised the matter and does not want to pursue with the present FIR and I have given the statement without any pressure, coercion or undue influence and my above said compromise is genuine. I have no objection if the above said FIR 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.123 dated 05.11.2015 under Sections 323/295-A/506 IPC, registered at Police Station Division No.8 (Kailash Chowk), Ludhiana City, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the

petitioner on the basis of compromise/affidavit dated
14.12.2015/28.12.2015 (Annexures P-2 & P-3) respectively.

(HARI PAL VERMA)
JUDGE

09.12.2016
sanjeev

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