

284.

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

CRM-M-19052-2016

Date of decision:18.10.2016

Rakesh Kumar and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

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

None for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.175 dated 18.11.2014 under Sections 323, 341, 506, 34 IPC, registered at Police Station Maur, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 21.05.2016 (Annexure P-2).

This Court vide order dated 28.05.2016 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, Talwandi Sabo and got their statements recorded. On the basis of the statements so recorded, learned

parties have entered into a compromise voluntarily and without undue influence, pressure and coercion and the same is genuine.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Rakesh Kumar but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 19.07.2016. The same is being reproduced as under:-

“Stated that matter has been compromised between accused namely Tarsem Kumar, Rakesh Kumar both son of Sabbu Ram @ Shambu Ram and Ashu Garg son of Rakesh Kumar all R/o Ward no.7, Maur Mandi, Tehsil Maur, Distt. Bathinda and us voluntarily and without any pressure or coercion. FIR No.175 dated 18.11.2014 u/s 323, 341, 506, 34 IPC, P.S. Maur, Distt Bathinda is pending between us. The present FIR may kindly be quashed. ”

Apart from above, a similar statement has been made by respondent No.3-Deepak Kumar whereby he has shown no objection to the FIR being quashed.

Learned State counsel has 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.175 dated 18.11.2014

under Sections 323, 341, 506, 34 IPC, registered at Police Station Maur,

District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 21.05.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

18.10.2016
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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.