

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

CRM-M-19725 of 2016.

Decided on:-06.10.2016.

Rajdeep @ Raju.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. M.S. Dhami, Advocate
for the petitioner.

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

Mr. Baljinder Kumar Chaudhary, Advocate
for the respondent No.2-complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.20 dated 10.2.2012 under Sections 323, 341 and 506 read with Section 34 IPC (Annexure P-1) recorded as cross-version in FIR No.18 dated 9.2.2012 under Sections 323, 324 and 506 read with Section 34 IPC registered at Police Station Rawalpindi, District Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise dated 28.5.2016 (Annexure P-5).

This Court vide order dated June 01, 2016 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its

report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Phagwara and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted her report dated 26.7.2016 to the effect that the parties have entered into compromise without any pressure, coercion and the same has been done with the free consent of the parties.

Learned counsel for the petitioner contends that the petitioner was declared proclaimed offender by the trial Court vide order dated 12.2.2014. Against the said order, the petitioner has approached this Court by way of **CRM-M-19732 of 2016** titled as ***Rajdeep @ Raju Versus State of Punjab and another***. He further states that the petitioner has been admitted on bail by the trial Court in compliance of order dated 1.6.2016 passed by this Court in the said petition i.e. CRM-M-19732 of 2016 and, therefore, now, the petitioner is on bail.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for respondent No.2-complainant. Power of attorney filed on behalf of the respondent No.2 in the Court today, is taken on record.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Sukhjinder Singh @ Sodhi has been recorded by learned Magistrate on 20.7.2016. Said statement of

respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“That the present criminal case FIR No.18 of 09.02.2012 U/s 323/324/506/34 IPC PS Rawalpindi was registered on the basis of DDR No.20 dated 10.2.2012 U/s 323/341/506/34 IPC titled as “Rajdeep @ Raju Versus State of Punjab and another”, by me against accused Rajdeep Singh @ Raju son of Kulwinder Pal @ Kulwinder Kumar resident of village and Post Office Jagpalpur PS Rawalpindi, Tehsil Phagwara District Kapurthala, and the accused namely Rajdeep @ Raju was declared as P.O. on dated 12.2.2014 by this Hon'ble court. Now the parties have been compromised with the intervention of respectables and I have no objection if the present FIR No.18 of 09.02.2012 U/s 323/324/506/34 IPC PS Rawalpindi, which be quashed against the accused Rajdeep @ Raju. I have suffered this statement without any pressure or coercion.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant DDR.

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 DDR No.20 dated 10.2.2012 under Sections 323, 341 and 506 read with Section 34 IPC (Annexure P-1) recorded as cross-version in FIR No.18 dated 9.2.2012 under Sections 323, 324 and 506 read with Section 34 IPC registered at Police Station

Rawalpindi, District Kapurthala and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 28.5.2016 (Annexure P-5) effected between the parties.

October 06, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No