

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

CRM-M-19731 of 2016

Date of decision: 07.10.2016

Manni @ Manish Kumar

-----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr. Munish Puri, Advocate for the petitioners.

Mr. Gurinderit Singh, DAG, Punjab.

Mr. Sanjeev Kumar, Advocate for respondent
No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.41 dated 09.08.2015 under Sections 279, 338 and 337 IPC, registered at Police Station Sadar Pathankot, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 01.06.2016 had directed the parties to appear before Illaqa Magistrate/the trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/the trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 01.06.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Pathankot and

got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 20.07.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

The statement made by the complainant-respondent No.2, namely, Raman Kumar @ Gaurav before the Magistrate on 20.07.2016, reads as under:-

“ It is stated that I am the complainant in case titled “State Vs. Manni @ Manish” under FIR No.41 dated 09.08.2015 under Section 279/338/337 IPC at P.S. Sadar, Pathankot. I have got registered the present FIR in this case. However, with the intervention of respectables I have compromised the matter with accused namely Manni @ Manish Kumar aged about 23 years, son of Late Shri Tilak Raj, son of Gurdial Singh, resident of village Gho, Tehsil and District Pathankot. The compromise Ex.PA has been effected between me and accused Manni @ Manish Kumar with the intervention of the respectables. Now I have no grudge with the accused person. I have no objection if the present FIR is quashed by the Hon'ble High Court against accused Manni @ Manish Kumar aged about 23 years, son of Late Shri Tilak Raj, son of Gurdial Singh, resident of village Gho, Tehsil and District Pathankot. I am giving the above statement out of my sweet will and without any pressure.”

Apart from the statement of the complainant-respondent No.2-, whereby he has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned counsel for the State as well as learned counsel appearing for respondents No.2 does not dispute the factum of compromise entered between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.41 dated 09.08.2015 under Sections 279, 338 and 337 IPC, registered at Police Station Sadar Pathankot, District Pathankot, and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise (Annexure P-2).

07.10.2016
Anjal/AK

[HARI PAL VERMA]
JUDGE