

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

CRM-M-19742 of 2016
Date of decision: 05.12.2016

Manish Kumar

----Petitioner (s)

V/s

State of Punjab and others

-----Respondent(s)

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

Present:- Mr. N.S. Diwana, Advocate for the petitioner.

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

Mr. Naresh Kaushal, Advocate for respondent No.2.

Mr.Yashpal Marken, Advocate for respondent
No. 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.107 dated 14.06.2015 under Section 365 IPC, registered at Police Station Phase-1, District SAS Nagar(Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 14.05.2016 (Annexure P-4).

This Court vide orders dated 02.06.2016 and 17.08.2016 had directed the parties to appear before Illaqa Magistrate/ trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid orders, the parties have appeared before learned Chief Judicial Magistrate, SAS Nagar, Mohali and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 24.10.2016 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.

Learned counsel for the petitioner submits that the author of the present FIR is respondent No.2 i.e. Onkar Singh, who is father of respondent No.3-Gurinder Kaur and as on date, petitioner-Manish Kumar and respondent No.3-Gurinder Kaur are living happily as husband and wife.

Mr.Naresh Kaushal, Advocate has put in appearance on behalf of respondent No.2 and filed Power of Attorney in Court today which is taken on record. He admits the factum of compromise entered between the parties.

The statement made by complainant-respondent No.2-Onkar Singh before the learned Magistrate on 15.10.2016, reads as under:-

“Stated that an FIR No.107 dated 14.6.2015 U/s 365 IPC Police Station PH-1, Mohali was got registered by me against Manish Kumar. All misunderstandings and grudges now ceases to exist between both the parties, in order to lead harmonious life in future by families together. Resultantly both the parties entered into mutual compromise in order to bring to an end the aforesaid criminal case to settle down peacefully and amicably in future jointly. No misunderstanding or grudge is pending between us. This compromise has been effected mutually between us, with the freewill, without any force, fraud and pressure, with the intervention of elderly relatives and respectables of the society, in order to transmit a good signal in the society. My copy of Aadhar Card is Ex.C1. I am not interested to proceed in the aforesaid case anymore against accused persons in order to maintain harmony. I have no objection in case the aforesaid FIR is quashed against accused persons on the basis of compromise.”

Apart from the statement made by respondents No.2, similar statement has also been made by respondent No.3-Gurinder Kaur before the learned Magistrate, whereby she 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 State as well as learned counsel for respondent No.3 has also not disputed 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.107 dated 14.06.2015 under Section 365 IPC, registered at Police Station Phase-1, District SAS Nagar(Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 14.05.2016 (Annexure P-4).

05.12.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? ***Yes***

Whether reportable? ***Yes/No***