

279.

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

CRM-M-20239-2016

Date of decision:05.10.2016

Sunil Kumar

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Umesh Kumar Kanwar, Advocate,
for the petitioner.

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

Mr. Naresh Chander, Advocate,
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.280 dated 07.12.2013 under Sections 279/337/338/427 of IPC, registered at Police Station Division No.3, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 31.05.2016 (Annexure P-2).

Mr. Naresh Chander, Advocate, has put in appearance on behalf of respondents No.2 and 3 and filed power of attorney which is taken on record.

This Court vide order dated 03.06.2016 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 Additional Chief Judicial Magistrate, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.06.2016 to the effect that a genuine compromise has been effected between parties and there was no undue influence or coercion from any side.

Respondent No.2-complainant, namely, Sunil Kumar Khanna has made his statement with regard to compromise before learned Magistrate on 09.06.2016. The same is reproduced as under:-

“Stated that the present case FIR No.280 Dated 07.12.2013 u/s 279/337/338/427 of IPC, PS Division No.3, Jalandhar was registered on my statement against the accused namely Sunil Kumar son of Sh. Kulwinder Rai, resident of H.No.B9/137, Tanki Wali Street, Santokhpura, Tehsil and District Jalandhar. Now with the interventions of the respectables, matter has been compromised between me and the accused. The compromise has been effected voluntarily without any pressure, coercion and undue influence and with my own free will. Compromise was also reduced into writing and original compromise has been produced before the Hon'ble High Court. The copy of compromise deed is mark A. I have no objection if the present FIR is quashed. I have brought my original Adhar Card today in the court and the copy of the same is Ex C1.”

Apart from above, a similar statement has also been made by the injured, namely, Ravneet Wadhera-respondent No.3 whereby he has shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondents No.2 and 3 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.280 dated 07.12.2013 under Sections 279/337/338/427 of IPC, registered at Police Station Division No.3, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 31.05.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

05.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.