

270.

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

CRM-M-22741-2016

Date of decision:21.10.2016

Ankush Godhara

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashok Kumar Khunger, Advocate,
for the petitioner.

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

None for respondents No.2 to 6.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.56 dated 22.02.2010 under Sections 279/337/427 IPC, registered at Police Station City, Abohar, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 06.06.2016 (Annexure P-3).

This Court vide order dated 11.07.2016 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 Sub Divisional Judicial Magistrate, Abohar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 24.08.2016 to the effect that the compromise so

effected between parties is genuine and without any sort of undue pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Vikramjit Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 22.08.2016. The same is reproduced as under:-

“Stated that FIR No.56 dated 22.02.2010 U/s 279/337/427 IPC was registered against the petitioner/accused Ankush Godara S/o Vijay Singh R/o Sitto Gunno at PS City I Abohar on my statement. The abovesaid FIR registered only against accused Ankush Godhara and he has not declared as proclaimed offender by the court. Now I have effected a compromise with accused party with my own free will and without any pressure. I do not want to proceed against the accused. I have no objection if accused is acquitted/discharged in the present case and if his quashing petition is accepted by Hon'ble Punjab & Haryana High Court.”

Apart from above, similar statements have been made by the injured-respondents No.3 to 6 whereby they have 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 FIR.

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.56 dated 22.02.2010 under Sections 279/337/427 IPC, registered at Police Station City, Abohar, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 06.06.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

21.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.