

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

CRM-M-27744 of 2016
Date of decision: 29.11.2016

Ankit Gard and others

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Jasbir Rattan, Advocate for the petitioners.

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

Mr.Chandandeep Singh, Advocate for respondent
No. 2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.08 dated 27.01.2016 under Sections 336, 427, 506, 148, 149, 120-B, 323, 452 IPC and 25 and 27 of the Arms Act, 1959 registered at Police Station Div. No. 2, Ludhiana City and all consequential proceedings arising therefrom on the basis of compromise dated 02.07.2016 (Annexure P-2).

This Court vide order dated 11.08.2016 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 order dated 11.08.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 18.11.2016 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.

Statement made by complainant-respondent No.2-Damandeep Singh with regard to the compromise before learned Magistrate on 13.09.2016, reads as under:-

“I have compromised the matter with the accused Ankit Garg, Deepak Garg and Pawan Kumar Garg. The said compromise has been effected voluntarily without any pressure or coercion. I have no objection if the said case be quashed against the accused Ankit Garg, Deepak Garg and Pawan Kumar Garg. The accused has filed quashing of FIR bearing no.08 dated 27.01.2016 u/s 336, 427, 506, 148, 149, 120-B, 323, 452 IPC and 25, 27, 54, and 59 of Arms Act at P.S. Div. No.2, Ludhiana and the same is bearing No. Criminal Misc.M-27744 of 2016 and I have no objection in case the said FIR is quashed by the Hon'ble High Court.”

Apart from the above statement made by respondents 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 State counsel does not dispute the factum of compromise entered between the parties.

Mr.Chandandeep Singh, 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 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.08 dated 27.01.2016 under Sections 336, 427, 506, 148, 149, 120-B, 323, 452 IPC and 25 and 27 of the Arms Act, 1959 registered at Police Station Div. No. 2, Ludhiana City and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 02.07.2016 (Annexure P-2).

29.11.2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No