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

CRM-M-31313-2016

Date of decision:12.12.2016

Davinder Singh @ Davinder Dogra and another ... Petitioners

versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sunil Agnihotri, Advocate,
for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab,
for respondent No.1.

Mr. Chander Shekhar Singhal, 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 F.I.R. No.32 dated 11.06.2016 under Sections 382, 34 IPC which was converted into Section 379-B vide DDR No.019 dated 18.06.2016, registered at Police Station Hajipur, District Hoshiarpur (Annexures P-1 & P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.08.2016 (Annexure P-3).

This Court vide order dated 06.09.2016 had directed the parties to appear before the Illaqa Magistrate 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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.10.2016 to the effect that the compromise effected between parties is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Sorav Minhas has made his statement with regard to compromise before learned Magistrate on 30.09.2016. The same is reproduced as under:-

“I have compromised the matter with the petitioner no.1 Davinder Singh @ Davinder Dogra son of Sh Posa Dogra petitioner no.2 Varinder Kumar son of Sh. Piara Lal both residents of village Bambiawal, Tehsil and District Jalandhar (Punjab). I have compromised the matter voluntarily and without any pressure or undue influence and coercion. I have no objections if FIR No.32 dated 11.6.2016 under section 382, 379-B, 34 of IPC PS Hajipur is quashed. In the present FIR only two accused/petitioner, inadvertently name of 3rd accused mentioned in the said FIR.”

Learned State counsel as well as learned counsel for respondent No.2 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.32 dated 11.06.2016 under Sections 382, 34 IPC which was converted into Section 379-B vide DDR No.019 dated 18.06.2016, registered at Police Station Hajipur, District

Hoshiarpur (Annexures P-1 & P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.08.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

12.12.2016
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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.