

281.

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

CRM-M-32722-2016

Date of decision:25.10.2016

Ram Devi and others

.... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. D.S. Gurna, Advocate,
for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab,
for respondents No.1 and 2.

Mr. B.S. Saini, 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 F.I.R. No.1 dated 02.01.2015 under Sections 379, 342, 323, 506, 34 IPC, registered at Police Station Daba, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.09.2016 (Annexure P-2).

This Court vide order dated 19.09.2016 had directed the parties to appear before the 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 Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 06.10.2016 to the effect that the compromise effected between parties is genuine and without any pressure and coercion.

Respondent No.2-complainant, namely, Bishan Pal has made his statement with regard to compromise before learned Magistrate on 06.10.2016. The same is reproduced as under:-

“I have got lodged FIR No.1 dated 02.01.2015 u/s 379, 342, 323, 506, 34 of IPC against accused Kishan Kumar @ Nikka, Rajinder Kumar @ Sonu and Ram Devi. Now the matter has been compromised with all the accused persons voluntarily and without any pressure. I have no objection if aforementioned FIR be quashed against accused persons.”

Learned State counsel as well as learned counsel for respondent No.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.1 dated 02.01.2015 under Sections 379, 342, 323, 506, 34 IPC, registered at Police Station Daba, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 01.09.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

25.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.