

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

CRM-M-4149 of 2016
Date of decision: 31.03.2016

Deepak Jain & another

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Sanjay Jain, Advocate for the petitioners.
along with Petitioner No.1-Deepak Jain.

Mr. R.S. Nain, AAG, Punjab.

Respondent No.2-complainant in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.182 dated 29.11.2014 under Sections 323, 324, 452, 379 and 506 read with Section 34 IPC registered at Police Station Division No.3, Jalandhar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.12.2014 (Annexure P-2).

This Court vide order dated 05.02.2016 had directed the parties to appear before learned Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/trial Court was directed to submit its report qua the genuiness of the compromise.

Pursuant to the aforesaid order dated 05.02.2016, the parties have appeared before learned Addl. Chief Judicial Magistrate, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 29.02.2016 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.

Respondent No.2-complainant, namely, Pawan Uppal is present in Court today and duly identified by petitioner No.1-Deepak Jain, who is also present in Court and further identified by learned counsel for the petitioners. Photocopies of Voter Identity Card as well as Adhaar Card of Pawan Uppal have been produced in Court today, which are taken on record.

Respondent No.2-complainant has suffered a statement before learned Magistrate on 25.02.2016, which reads as under:-

“Stated that the present FIR No.182 dated 29.11.2014 u/s. 323/324/452/379/506/34 IPC, PS Divn. No.3, Jalandhar has been registered against the accused namely Deepak Jain and Sumeet Jain on my statement. Now with the intervention of respectables, the matter has been compromised between me and both the accused. The compromise has been effected without any pressure, undue influence and coercion. The copy of compromise is Ex.A1. In the incident, two other person were also involved but I could not get any information regarding their identity and since the matter has been compromised. I have no objection if the proceedings of the present FIR is quashed against the present accused and the person who were not identified during the investigation. I have brought my original Adhar Card today in the court and the copy of the same is Ex. A2.”

Apart from the statement of the respondent No.2-Pawan Uppal, 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 counsel for the State has also not disputed the factum of compromise arrived at 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.182 dated 29.11.2014 under Sections 323, 324, 452, 379 and 506 read with Section 34 IPC registered at Police Station Division No.3, Jalandhar, District Jalandhar (Annexure P-1), and all the consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 03.12.2014 (Annexure P-2).

31.03.2016
Anjal

[HARI PAL VERMA]
JUDGE