

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

CRM-M-7438 of 2016

Date of decision: 10.05.2016

Anil Kumar and others

----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:- Ms. Chetna, Advocate for the petitioner.

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

None for respondent No. 2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.101 dated 24.5.2014 under Sections 323, 294 and 506 read with Section 34 IPC registered at Police Station Phase I, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.02.2016 (Annexure P-2).

This Court vide order dated 01.03.2016 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 01.03.2016, the parties have appeared before learned Chief Judicial Magistrate, SAS Nagar Mohali, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 30.03.2016 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.

Though, today no one is present on behalf of respondent No.2/complainant, namely, *Narinder Pal Sharma*, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 28.03.2016. The said statement reads as under:-

"I Narinder Pal Sharma complainant the resident of House No.667 2nd floor, phase-1, Mohali. Thus my own business of worth Rs.15000/- per month some misunderstanding an FIR no.101 dated 24.5.2014 under Section 323/294/506/34 IPC has been registered against accused Anil Kumar son of Late Sh. Balbir Chand, Parveen Bala wife of Anil Kumar, Poonam d/o Anil Kumar on my complaint. That after registration of FIR the accused being my brother and intervention of the friends and relatives, we have amicably settled the dispute with the accused with free consent and in this regard a compromise deed has already got effected between accused and me. As per the compromise deed I have no objection if the FIR no.101 dated 24.5.2014 be quashed against the accused. None of the accused in this case has not been declared proclaimed offender. In furtherance of the compromise the accused has already approached Hon'ble Punjab and Haryana High Court. I have preferred CRM-M-7438 of 2016, 323/294/506/34 IPC for quashing FIR No.101 dated 24.05.2014, Police Station, phase-I, Mohali on the basis of compromise. The said compromise was effected by us voluntarily without any pressure from any quarter."

Apart from the above statement of complainant-respondent No.2-Narinder Pal Sharma, 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 does not dispute the factum of compromise entered into between the parties, however, he submits that even the police has prepared the cancellation report.

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.101 dated 24.5.2014 under Sections 323, 294 and 506 read with Section 34 IPC registered at Police Station Phase I, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 06.02.2016 (Annexure P-2).

10.05.2016Anjal**[HARI PAL VERMA]
JUDGE**