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

CRM-M No.835 of 2016

Date of decision:13.07.2016

Dr. Jaspal Singh

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anmol Partap Singh Mann, Advocate,
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

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

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.55, dated 09.04.2015 under Sections 382/356 of IPC registered at P.S. Mataur, District Mohali (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise 18.12.2015 (Annexure P-2).

This Court vide order dated 12.01.2016, 01.03.2016 and 20.05.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid orders, the parties have appeared

before learned Judicial Magistrate Ist Class, Mohali, and have got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 24.06.2016 to the effect that a genuine compromise has been effected between the parties voluntarily, without any force, fraud, fear or pressure of anyone.

Perusal of the statements of petitioner Jaspal Singh and respondent No.2, namely, Chandni Gupta @ Chandni Kumari reveal that the matter has been compromised between them and they do not have any grudge against each other and there is no dispute pending between the parties.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Chandni Gupta @ Chandni Kumari, but no prejudice would be caused to her as she has already made her statement with regard to the compromise before learned Magistrate on 31.05.2016. The same is being reproduced as under:-

“Stated that on my statement the present case was registered at Police Station Mataur against the accused. However, we have compromised the matter between us as per compromise deed Ex.C1. The said compromise is voluntarily, without any force, fraud, fear and pressure of anyone. The FIR may kindly be quashed.”

The learned State counsel has not disputed the factum of compromise between the parties. He, on instructions from ASI Ajit Singh, submits that the police has prepared untraced report in the case.

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.55, dated 09.04.2015 under Sections 382/356 registered at P.S. Mataur, District Mohali (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 18.12.2015 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.07.2016
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