

261.

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

CRM-M-15465-2017

Date of decision:04.10.2017

DEEPA @ GURDEEP & ANR

... Petitioners

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

None 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.53 dated 03.06.2014 under Sections 341, 323, 324, 34 IPC, registered at Police Station Banur, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 27.04.2017 (Annexure P-2).

This Court vide order dated 03.05.2017 had directed the parties to appear before the Illaqa Magistrate/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, SAS Nagar (Mohali) and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.06.2017 to the effect that the compromise effected between the parties is genuine, valid and without any coercion or undue influence from any corner.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sukhchain Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 30.05.2017.

The same is reproduced as under:-

“I have compromised the matter with both the accused namely Gagandeep Singh @ Deepa and Harpreet Singh @ Gandhi with the intervention of the respectable persons from both the sides. Certified copy of the order of the Hon'ble High Court is Ex.C1. Photocopy of the ID proof i.e. Adhar Card is Ex.C2 (original seen & returned). Copy of compromise/affidavit is Ex.C3 on which I identify my signatures. Compromise has been effected out of my free will and consent and without any pressure and inducement from any corner. I have no objection if FIR No.53 dated 03.06.2014 under Section 341, 323, 324, 34 IPC of this case registered against both the above named accused be quashed by the Hon'ble High Court.”

Learned State counsel has 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.53 dated 03.06.2014 under Sections 341, 323, 324, 34 IPC, registered at Police Station Banur, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 27.04.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.10.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No