

252.

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

CRM-M-15910-2017

Date of decision:17.07.2017

KAPIL BHALLA & ANR

... Petitioners

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Dhawan, Advocate,
for the petitioners.

Ms. Simranjeet Kaur, 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.21 dated 18.02.2017 under Sections 323, 324, 452, 506, 148, 149 IPC, registered at Police Station Division No.6, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.03.2017 (Annexure P-2).

This Court vide order dated 08.05.2017 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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.06.2017 to the effect that the compromise effected between the parties appears to be genuine one and without any force and pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Vinay Arora but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 31.05.2017. The same is reproduced as under:-

“Stated that the matter in question has been settled mutually with all the accused persons in terms of the compromise by the respectables of the locality. The compromise deed is already attached with the petition filed before the Hon'ble High Court for the quashing the present FIR bearing no-21, dated 18.02.2017, u/s 323/324/452/506/148/149 of IPC registered at PS Div No.6, Jalandhar, which was registered on my statement against the accused Kapil Bhalla and Gulshan Kanda and there is no any other accused in this case. The compromise is without any kind of any pressure, threat or undue influence and is the result of my free will. I undertake not to initiate any kind of proceeding against the above stated two persons in future. I have no objection if the above stated FIR is quashed by Hon'ble Punjab & Haryana High Court.”

Learned State counsel, on instructions from ASI Rakesh Kumar, 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.21 dated 18.02.2017 under Sections 323, 324, 452, 506, 148, 149 IPC, registered at Police Station Division No.6, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 07.03.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

17.07.2017
sanjeev

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