

242.

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

CRM-M-16184-2017

Date of decision:07.09.2017.

ADESH AND ORS

... Petitioners

Versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. T.P. S. Bhatti, Advocate,
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab,
for respondent No.1.

Mr. K.S. Dhanora, Advocate,
for Mr. Naresh Kaushik, Advocate,
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.91 dated 15.10.2016 under Sections 323, 324, 341, 506, 148, 149 IPC (Section 326 IPC was added lateron), registered at Police Station Moti Nagar, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 02.05.2017 (Annexure P-3).

This Court vide order dated 09.05.2017 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.05.2017 to the effect that the parties have entered into the compromise voluntarily without any pressure.

Respondent No.2-complainant, namely, Ashok Kumar has made his statement with regard to compromise before learned Magistrate on 30.05.2017. The same is reproduced as under:-

“That the FIR no.91, Dated 15.10.2016 u/s 323, 324, 341, 506, 148, 149 and 326 IPC was also added against accused Adesh Kumar, Santerpal, Vivek, Babu Ram, Parvesh in PS Moti Nagar, Ldh. Now the compromise has been arrived between me and the above said accused. Compromise is Ex.C1. I identify my thumb impression on the compromise. This compromise has been effected without any threat, coercion and undue influence with my free will. I have no objection if the above said FIR is quashed. I have brought my original adhaar card with me and I tendered the photostat copy of the adhaar card is Ex.C2.”

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have 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

others (2012) 10 SCC 303, this petition is allowed and F.I.R. No.91 dated 15.10.2016 under Sections 323, 324, 341, 506, 148, 149 IPC (Section 326 IPC was added lateron), registered at Police Station Moti Nagar, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 02.05.2017 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

07.09.2017
sanjeev

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