

257 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 17084 of 2017 (O&M)

Date of Decision: 30.08.2017

Asif Khan and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Man Mohan, Advocate,
for the petitioners.

Mr. S.S. Cheema, A.A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused in F.I.R. No. 137, dated 16.11.2015, under Sections 427/324/34 of the Indian Penal Code, registered at Police Station Kotwali Nabha, District Patiala, (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings pending in the Court of the Judicial Magistrate Ist Class, Nabha, on the basis of compromise.

[2]. During pendency of petition, the complainant has arrived at a settlement with the accused vide Compromise Deed (Annexure P-2), which is duly signed by him. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Judicial

Magistrate Ist Class, Nabha, vide report dated 28.06.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondent No. 2 is not present nor he is represented by his counsel. However, he has made a statement on 06.06.2017, before the Judicial Magistrate Ist Class, Nabha, whereby he has admitted the factum of compromise with the accused and deposed that he has made the statement voluntarily, and without any pressure, threat or coercion and now he has no grudge against the accused.

[4]. In view of the report of the Judicial Magistrate Ist Class, Nabha, and in view of the decision of the Hon'ble Supreme Court in "Gian Singh Vs. State of Punjab and another", 2012(4) RCR (Criminal) 543 and "Narinder Singh and Others Vs. State of Punjab and Another", (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

[5]. In the circumstances, the present petition is allowed. F.I.R. No. 137, dated 16.11.2015, under Sections 427/324/34 of the Indian Penal Code, registered at Police Station Kotwali Nabha, District Patiala, (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

30.08.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No