

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

**CRM-M-18427-2017 (O&M)
Date of decision: 31.10.2017**

Sugriv Kumar and others	Versus	...Petitioners
State of Punjab and another		...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.S. Sidhu, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Harpal Singh, 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. 247 dated 29.11.2006 under Sections 430, 506, 148 and 149 IPC, registered at Police Station, Abohar District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.04.2016 (Annexure P-2).

This Court vide order dated 23.05.2017 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 Sub Divisional Judicial Magistrate, Abohar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.06.2017 to the effect that compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.

Respondent No.2, namely, Vinod Kumar has made his statement with regard to compromise before learned Magistrate on 31.05.2017. The same is reproduced as under:-

“Stated that FIR No. 247 dated 29.11.2006 U/s 430/506/148/149 of IPC, PS Sadar Abohar was registered on the basis of my application against the five accused persons namely Sugriv Kumar S/o Hanuman Ram, accused Manohar Lal S/o Hanuman Ram, accused Anand Kumar S/o Mahi Ram, accused Sandeep S/o Hanuman, accused Hanuman S/o Ganpat all resident of village Raipura, Tehsil Abohar, District Ferozepur out of which accused Sandeep and Hanuman have already died and the remaining accused Sugriv, Manohar Lal and Anand Kumar are facing the trial in the present case. No accused has been declared proclaimed offender in the present case and no other accused was named by me in my application moved to the police. Now I have compromised the matter with all the accused persons namely Sugriv, Manohar Lal and Anand Kumar with my own free-will and without any pressure. I do not want to proceed further against Sugriv, Manohar Lal and Anand Kumar. I have no objection if accused persons are acquitted/discharged in the present case and if their quashing petition is accepted by Hon'ble Punjab & Haryana High Court”

Learned State counsel as well as learned counsel for 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 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. 247

dated 29.11.2006 under Sections 430, 506, 148 and 149 IPC, registered at Police Station, Abohar District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.04.2016 (Annexure P-2).

October 31, 2017
Divyanshi

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No