

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

CRM-M-20837-2017 (O&M)

Date of decision: 26.09.2017

Ravi Kumar @ Rinku Julka

.... Petitioner

versus

State of Punjab and anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Ms. Jasneet Mehra, Advocate for
Mr. Rahul Makkar, 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 FIR No.108 dated 18.05.2017 under Sections 454, 380 IPC registered at Police Station Rama Mandi, District Jalandhar (Annexure P-1) along with all the consequential proceedings on the basis of compromise dated 23.05.2017 (Annexure P-2).

This Court vide order 02.06.2017 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded with regard to compromise and learned Illaqa Magistrate was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared

before learned Judicial Magistrate First Class, Jalandhar and got their statements recorded. Learned Magistrate has forwarded his report dated 16.06.2017 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any pressure or undue influence from either side. Thus, the compromise is genuine and valid. The statement of Vipin Kumar, complainant, which is accompanied with the report, reads as under:-

“Statement of Vipin Kumar aged 58 years, son of Kundan Lal, resident of H.No.37, Gali No.3, Baldev Nagar, Jalandhar, Punjab. (ON S.A).

I have arrived at compromise in this matter with the accused with the intervention of the respectables of the locality. I have seen the compromise deed Ex.C1, which bears my signature. The matter has been amicably sort out between me and the accused. I have no grudge with the accused, there is only one accused in this case i.e. Ravi Kumar @ Rinku Julka. There is no any other accused nor anybody is a proclaimed offender in this case. The compromise has been arrived voluntarily without any pressure, coercion, by the other party and with my own sweet will. I have no objection if the present application may be quashed by the Hon'ble High Court.

RO & AC
Sd/-
Sd/- (Adv)

Sd/-
(Balkar Singh), PCS,
Judicial Magistrate First Class,
Jalandhar/07.06.2017.”

Learned counsel for State on instructions from ASI Manjinder Singh does not dispute the factum of compromise between the parties and submits that the matter is still under investigation and challan has not been

presented.

Learned counsel for the respondent no.2/complainant has not disputed the factum of the compromise between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.108 dated 18.05.2017 under Sections 454, 380 IPC registered at Police Station Rama Mandi, District Jalandhar (Annexure P-1) along with all the consequential proceedings is quashed *qua* the petitioner, in view of compromise dated 23.05.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

26.09.2017

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1. Whether reportable?
2. Whether speaking/Non-speaking?

Yes/No
Yes/No