

270.

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

CRM-M-24408-2017

Date of decision:11.12.2017.

VISHAL KUMAR AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sourav Kapoor, Advocate, for
Mr. Atul Goyal, Advocate,
for the petitioners.

Mr. M.S. Nagra, 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.142 dated 29.05.2017 under Sections 379-B/ 341 / 427/148/149 IPC, registered at Police Station Daba, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.06.2017 (Annexure P-2).

This Court vide order dated 25.07.2017 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), Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 26.09.2017 to the effect that the compromise is genuine and has been effected between the parties without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Kuldeep Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 07.09.2017. The same is reproduced as under:-

“Stated that the above said FIR was registered against the accused at my instance. I have seen the copy of the FIR on the judicial file which is Ex.P1. During this period I have compromised the matter with all the accused. I do not want to prosecute the accused persons further since I have compromised the matter and I have no objection if the accused persons are acquitted in this case. I have brought my Aadhar Card in original today and photocopy of the same is Ex.P2. The accused persons have already filed a writ petition before the Hon'ble Punjab and Haryana High Court and I have no objection if the FIR in question is quashed and in view of the compromise between the parties. The compromise deed executed between us is already on the file of Hon'ble Punjab and Haryana High Court.”

Learned State counsel 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.142 dated 29.05.2017
under Sections 379-B/ 341 /427/148/149 IPC, registered at Police Station
Daba, District Ludhiana(Annexure P-1) and all subsequent proceedings
arising therefrom are quashed qua the petitioners on the basis of
compromise dated 08.06.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

11.12.2017
sanjeev

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