

255.

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

CRM-M-24422-2017

Date of decision:05.09.2017

GURDEEP SINGH

... Petitioner

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Suneet Pal Singh Aulakh, Advocate,
for the petitioner.

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

Mr. Gurmandeep Brar, 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.37 dated 17.03.2017 under Sections 382, 34 IPC, registered at Police Station City Samana, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.06.2017 (Annexure P-2).

Vakalatnama filed on behalf of respondent No.2 is taken on record.

This Court vide order dated 12.07.2017 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 Sub Divisional Judicial Magistrate, Samana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.08.2017 to the effect that the parties have effected compromise without any pressure, coercion and same has been done with their free consent.

Respondent No.2-complainant, namely, Rakesh Garg has made his statement with regard to compromise before learned Magistrate on 17.08.2017. The same is reproduced as under:-

“Stated that matter has been compromised with the accused Gurdeep Singh with the intervention of respectables of the society and accused has filed quashing petition CRM-M No.24422 of 2017 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing FIR No.37 of 17.03.2017, under Section 382/34 IPC, P.S. City Samana. The matter has been voluntarily compromised with the accused. The said compromise is genuine and is voluntarily arrived at with my free consent and without any pressure, coercion, undue influence and inducement from any quarter. So in view of the voluntary compromise with the above said accused person, I do not want to proceed with the present FIR. Now I have no grudge against the accused and I have no objection if the present FIR is quashed against accused. I have placed on record copy of my Aadhar Card as Ex.C-1 as my identity proof (original seen and returned). Neither any accused is proclaimed offender nor any proclamation proceedings are pending against person. I identify the accused present in the court today.”

Apart from above, a similar statement has also been made by respondent No.3 whereby he has shown no objection to the FIR being quashed.

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.37 dated 17.03.2017 under Sections 382, 34 IPC, registered at Police Station City Samana, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 20.06.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

05.09.2017
sanjeev

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