

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

CRM-M-25624 of 2017

Date of Decision:15.11.2017

Nitin Kumar @ Nitin Paata and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Zorawar Singh Chauhan, Advocate,
for the petitioners.

Mr.Bhupender Beniwal, A.A.G., Punjab,
for respondent No.1.

Mr. Jitender K. Sehrawat, 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.93 dated 13.04.2017 under Sections 452, 323, 506, 148, 149 IPC, registered at Police Station City Phillaur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.04.2017 (Annexure P-2).

This Court vide order dated 19.07.2017 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, Phillaur and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.09.2017 to the effect that the parties have compromised the matter. The complainant has no grudge against the accused. The compromise is voluntary, without any pressure or coercion and is a genuine one.

Respondent No.2-Complainant, namely, Rajinder Prasad, has made a statement with regard to compromise before learned Magistrate on 17.08.2017. The same is reproduced as under:-

“Stated that we have compromised the matter with the accused persons, namely, Nitin Kumar @ Nitin son of Varinder Kumar, resident of Mohalla Chaudhrian, Phillaur, District Jalandhar, Prince Malhotra @ Rajat son of Ajit Pal, resident of Uchi Ghati, near Devi Mandir, Phillaur, District Jalandhar & Amandeep Kumar @ Rinku son of Rana, resident of Mohalla Landrian, Goraya, Tehsil Phillaur, District Jalandhar with the intervention of respectable persons. Now I have no grudge against the petitioners/accused. The compromise is genuine, voluntary and without any coercion or undue influence. I have no objection, if the FIR in question registered against the above stated petitioners/accused may be quashed and they may be acquitted.

In the above noted FIR, three persons namely Nitin Kumar @ Nitin son of Varinder Kumar resident of Mohalla Chaudhrian, Phillaur, District Jalandhar, Prince Malhotra @ Rajat son of Ajit Pal, resident of Uchi Ghati, near Devi Mandir, Phillaur, District Jalandhar & Amandeep Kumar @ Rinku son of Rana, resident of Mohalla Landrian, Goraya, Tehsil Phillaur, District Jalandhar were arrayed as an accused and as

per statement of the parties, none of the accused has been declared proclaimed offender and the compromise is genuine, voluntary and without any pressure.”

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 FIR No.93 dated 13.04.2017 under Sections 452, 323, 506, 148, 149 IPC, registered at Police Station City Phillaur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 26.04.2017 (Annexure P-2).

November 15, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No