

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-26107 of 2017

Date of Decision: 21.9.2017

Akashdeep Singh @ Popo

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. K.S.Brar, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Amanpreet Singh, Advocate for
Mr. P.S.Bhandari, Advocate
for respondent No. 2.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 40 dated 02.5.2017 under Section 279, 337, 338, 427 IPC, registered at Police Station Bahawala, Tehsil Abohar, District Fazilka, (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.7.2017 (Annexure P-2).

This Court vide order dated July 21, 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 Judicial Magistrate Ist Class, Abohar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 23.8.2017 to the effect that the compromise arrived at between the parties is genuine, voluntary and without any pressure or coercion.

Respondent No. 2-complainant, namely Vijay Kumar, who is the injured in this case, has made statement with regard to compromise before learned Magistrate on 18.8.2017. The same is reproduced as under:-

“Stated that an FIR No. 40 dated 02.5.2017 under Sections 279/337/338/427 of IPC, Police Station Bahawwala was registered against the accused namely Akashdeep Singh @ Popo on my statement. Now the matter has been compromised between us without any pressure, coercion and with my free will. Now the accused have filed a quashing petition before the Hon'ble Punjab and Haryana High Court in CRM-M No. 26107 of 2017 for quashing the present FIR on the basis of compromise. I have no objection if the present FIR as well as proceedings in the complaint case and further proceedings arising therefrom, are quashed.”

Learned State counsel as well as learned counsel appearing on behalf of 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 the F.I.R. No. 40 dated 02.5.2017 under Section 279, 337, 338, 427 IPC, registered at Police Station

subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 03.7.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

September 21, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No