

250.

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

CRM-M-26247-2017 (O&M)

Date of decision:07.11.2017.

MAHESH MITTAL & OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ambrish Sharma, 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.397 dated 30.11.2016 under Sections 323, 341, 506, 148, 149 IPC, registered at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 24.04.2017 (Annexure P-2).

This Court vide order dated 24.07.2017 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. However, the parties

could not appear before the learned Magistrate and vide order dated

18.09.2017, they were again directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded in terms of order dated 24.07.2017.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Dera Bassi and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 22.09.2017 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion and undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Gurdeep Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 20.09.2017.

The same is reproduced as under:-

“Stated that one FIR No.397/30.11.2016 U/S 323, 341, 506, 148 & 149 of IPC, registered at P.S. Zirakpur was lodged by me against accused Mahesh Mittal son of Shri Rajinder Pal R/o 549, First Floor, Sector 16, Panchkula, Sandeep Bansal S/o Shri Bachan Lal, R/o Flat No.17, Ground Floor, Angel Apartment, Lohgarh Road, Zirakpur, K.S. Kalsi S/o Shri Balwant Singh R/o House No.128, Dashmesh Colony, Zirakpur and Rajesh Kumar S/o Shri Diwan Chand resident of Flat No.6, Ground Floor, Goldmine Complex, Lohgarh Road, Zirakpur. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the above said accused persons with my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side vide compromise dated 24.04.2017. Photocopy of the compromise is Ex.C1. I have no objection if the above said FIR is quashed by the Hon'ble Punjab and Haryana High Court against the above said accused persons.”

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.397 dated 30.11.2016 under Sections 323, 341, 506, 148, 149 IPC, registered at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 24.04.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

07.11.2017
sanjeev

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