

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CRM-M-28269 of 2017

Date of Decision:20.12.2017

Manoj @ Manoj Kumar Gandhi

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Jasmeet Singh Ghumman, Advocate,
for the petitioner.

Mr. M.S.Nagra, A.A.G., Punjab,
for respondent No.1.

Mr. Neeraj Madaan, 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.158 dated 30.10.2014 under Sections 323, 341, 148, 149 IPC, registered at Police Station Division No.2, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.07.2017 (Annexure P-2).

This Court vide order dated 04.08.2017 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 1st Class, Jalandhar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.11.2017 to the effect that a compromise has been effected between the parties. The compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-Complainant, namely, Arun Agnihotri, has made a statement with regard to compromise before learned Magistrate on 13.11.2017. The same is reproduced as under:-

“Stated that FIR in the instant case was recorded on my statement against Manoj Kumar Gandhi and now a compromise has been effected between me and accused Manoj Kumar Gandhi. I do not want to proceed further with the present case against the accused. Therefore, I have no objection if accused may be acquitted from the present case and first information report and all consequential proceedings may be quashed and quashing proceedings pending before the Hon'ble Punjab and Haryana High Court may be allowed. I have given my statement voluntarily, without any coercion and undue influence. I enclose herewith copy of my driving license, which is Ex.A1. ”

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.158 dated 30.10.2014

under Sections 323, 341, 148, 149 IPC, registered at Police Station Division No.2, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 26.07.2017 (Annexure P-2).

December 20, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No