

251.

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

CRM-M-31173-2017

Date of decision:01.11.2017

KULWINDER SINGH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Rajni Maurya, Advocate, for
Mr. Naveen Batra, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, 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.57 dated 30.04.2012 under Sections 323/ 324/ 452/34 IPC, registered at Police Station Dasuya, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.07.2017 (Annexure P-2).

This Court vide order dated 24.08.2017 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 Ist Class, Dasuya and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.10.2017 to the effect that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Paramjit Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 25.09.2017.

The same is reproduced as under:-

“Stated that I am complainant in the aforesaid case and the case was registered on my statement, and I am respondent in the petition before the Hon'ble High Court. With the intervention of the respectables, I have effected compromise with the accused and the compromise has been effected without any undue influence or pressure. The compromise is genuine and without any influence or pressure on any of the party. Now I have no grudge against the accused and the compromise is for the betterment of both the parties. Both the parties have agreed to live peacefully for the remaining part of their life. I have no objection, if the present FIR against the accused is quashed. I have brought my Adhar Card in the court today. Copy of the same is Mark-A.”

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

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.57 dated 30.04.2012 under Sections 323/324/452/34 IPC, registered at Police Station Dasuya, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.07.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.11.2017
sanjeev

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