

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

CRM-M-31254-2017

Date of decision:02.11.2017

Vikram Datt Sharma @ Vikram Sharma
and another

... Petitioners

Versus

State of Punjab & another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. P.K.S Phoolka, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,

Mr. Davinder Kumar, 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 F.I.R. No.106 dated 31.05.2017 under Sections 379-B, 506, 427, 148, 149 IPC and Section 25 of IT Act, 1885, registered at Police Station Canal Colony, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.08.2017 (Annexure P-2).

This Court vide order dated 25.08.2017 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.

before learned Addl. Chief Judicial Magistrate, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.10.2017 to the effect that the compromise arrived between the parties is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Navjot Singh has made his statement with regard to compromise before learned Magistrate on 26.09.2017. The same is reproduced as under:-

“Stated that with the kind intervention of the respectables, in this case, a compromise has been effected with accused namely Gurpreet Singh aged about 34 years son of Major Singh son of Sher Singh, Electrical Tech., resident of 31332, Gali No.10/1 Paras Ram Nagar, Bathinda Vikram Dutt Sharma aged about 34 years son of Tirlok Chand son of Ram Lal, Electrical Tech., resident of VPO Chak Banwala, Chak, Dabwala, Fazilka without any compulsion & pressure. Photo copy of the written compromise is Ex.CX and its original was already presented before the Hon'ble High Court of Punjab & Haryana in CRM-M-31254/2017 in case titled as Vikram Datt Sharma Vs. State of Punjab as Ex.CX. I do not want to pursue the case ahead. I have no objection if the accused are bailed out or acquitted. Myself and the accused want to live peacefully. I tender the photocopy of my adhar card Mark C as my identity proof. I will have no objection if the above said FIR is quashed.”

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

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.106 dated 31.05.2017 under Sections 379-B, 506, 427, 148, 149 IPC and Section 25 of IT Act, 1885, Police Station Canal Colony, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.08.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.11.2017
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Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No