

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

CRM-M-31610-2017

Date of decision:02.11.2017

Gurwinder Singh

... Petitioner

Versus

State of Punjab & another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab,

Mr. Damanjit Sandhu, Advocate for
Mr. Amandeep Chhabra, 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.0209 dated 02.08.2017 under Sections 451 and 379 B IPC, registered at Police Station City Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.08.2017 (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.

Pursuant to the aforesaid order, parties have appeared

and got their statements recorded. On the basis of the statements so recorded, learned Addl. Civil Judge (Sr. Division)-cum-SDJM, Khanna has submitted report dated 23.10.2017 to the effect that the parties have arrived at a compromise voluntarily and without any pressure.

Respondent No.2-complainant, namely, Shrikant Verma has made his statement with regard to compromise before Addl. Civil Judge (Sr. Division)-cum-SDJM, Khanna on 26.09.2017. The same is reproduced as under:-

“I compromised with accused Gurwinder Singh son of Karnail Singh resident of Village Nasrali, Tehsil Khanna, Distt. Ludhiana, regarding the matter of the present case with my own free will, without any pressure and coercion from any corner. I admit the written compromise as true and correct, the copy of the said compromise dated 19.08.2017 is Ex.C1 on which I identify my signatures. I have no objection if the FIR and the proceedings of FIR No. 0209 dated 02.08.2017 U/s 451/379-B IPC, PS City, Khanna are quashed. Copy of my Aadhar Card is Mark A.”

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 F.I.R No.0209

dated 02.08.2017 under Sections 451 and 379 B IPC, registered at

Police Station City Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 19.08.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.11.2017
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Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No