

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

260

CRM-M-34919 of 2017

Date of Decision:19.12.2017

Kanwar Onkar Singh Narula & another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Ms. Samridhi, Advocate for
Mr. Naveen S. Bhardwaj, Advocate,
for the petitioners.

Mr.Bhupender Beniwal, A.A.G., Punjab,
for respondent No.1.

Mr. Jagdeep Singh Rana, 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.93 dated 26.11.2010 under Sections 342, 384, 120-B IPC, registered at Police Station Division No.3, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.08.2017 (Annexure P-2).

This Court vide order dated 19.09.2017 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, Ludhiana and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.10.2017 to the effect that the parties have compromised the matter with their free will and without any pressure or coercion.

Respondent No.2-Complainant, namely, Shiv Kumar Garg, has made a statement with regard to compromise before learned Magistrate on 23.10.2017. The same is reproduced as under:-

“Stated that FIR No.93 dated 26.11.2010 u/s 342/384/120-B IPC, P.S. Div. No.3, Ludhiana was registered on my statement. I have compromised matter with accused Kanwar Onkar Singh Narula S/o Sh. Swaran Singh Narula, aged 45 years, R/o H.No.518, Harcharan Nagar, Ludhiana, Harmeet Singh S/o Sh. Nirmal Singh aged 32 years, R/o B-11-1086, Shiv Mandir Wali Gali, Shivpuri, Ludhiana, with intervention of respectables and one compromise deed stands executed between me and aforementioned Kanwar Onkar Singh and Harmeet Singh. The copy of the same is Ex.C1 with my free will and without any pressure or any threat and on those basis quashing proceedings bearing No.Crl.Misc. M-34919 of 2017 in the Hon'ble Punjab & Haryana High Court. As per the compromise I have suffered the present statement out of my free will, without any pressure or threat. I have compromised the dispute with the accused and I have no objection if present FIR and subsequent proceedings are quashed on the basis of compromise by Hon'ble Punjab & Haryana High Court. ”

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.93 dated 26.11.2010 under Sections 342, 384, 120-B IPC, registered at Police Station Division No.3, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.08.2017 (Annexure P-2).

December 19, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No