

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CRM-M-35094 of 2017

Date of Decision:14.12.2017

Balwinder Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Ravi, Advocate for
Mr. Sandeep Gahlawat, Advocate,
for the petitioner.

Mr. A.S. Chaudhary, Addl. AG, Haryana,
for respondent No.1.

Ms. Amandeep Kaur, 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.442 dated 20.12.2015 under Sections 279, 337, 338 IPC, registered at Police Station Sector-5, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.09.2017 (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, Panchkula and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.10.2017 to the effect that the parties have entered into a compromise and the said compromise is genuine and voluntary and has been effected with their free will, without any threat, coercion or undue pressure.

Respondent Nos.2, complainant, namely, Kamal Singh Bisht, has made a statement with regard to compromise before learned Magistrate on 23.10.2017. The same is reproduced as under:-

“Stated that I have entered into the compromise with the accused person namely Balwinder Singh and have compromised the matter in dispute as per mutual compromise entered on 16.09.2017. The written compromise Ex.C1 is the original compromise dated 16.09.2017, the copy of which has been placed before the Hon'ble Punjab & Haryana High Court, Chandigarh in CRM-M-35094 of 2017. The compromise has been entered with the accused Balwinder Singh. It is further stated that the compromise is genuine and voluntary and has been entered between me and the accused person namely Balwinder Singh out of our free will, without any coercion or undue pressure. It is also stated that in this case, there is only one accused person namely Balwinder Singh. My duly sworn and attested affidavit in this regard is Ex.C4. Attested copy of my Identity Card as my identification proof is Ex.C5. It is therefore requested that in view of the mutual compromise Ex.C1, the present FIR may kindly be quashed as the matter has been compromised between us with our free will.”

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.442 dated 20.12.2015 under Sections 279, 337, 338 IPC, registered at Police Station Sector-5, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 16.09.2017 (Annexure P-2).

December 14, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No