

234.

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

CRM-M-36190-2016

Date of decision:30.08.2017.

RAKESH KUMAR AND ANR.

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kamal Narula, Advocate,
for the petitioners.

Mr. A.S. Dhaliwal, DAG, 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.36 dated 04.03.2014 under Sections 452/427/323/34 IPC, registered at Police Station Guruharsahai, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2016 (Annexure P-2).

This Court vide order dated 07.10.2016 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 Sub Divisional Judicial Magistrate, Gurusahai and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.11.2016 to the effect that the compromise has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Dimple Sharma, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 18.11.2016.

The same is reproduced as under:--

“Stated that the present FIR was registered against the accused Rakesh Kumar and Krishan Lal on my statement. A compromise has been effected between us with the intervention of respectables of society. That this compromise is effected without any pressure and without any coercion or undue influence and without my free consent. I have no objection if the present FIR No.36 dated 04.03.2014 (wrong written as 02.03.2014) under section 452/323/427/34 IPC be quashed against the above said accused persons. I have also placed the photocopy of my adhar card, which is Ex.PA.”

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 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.36 dated 04.03.2014 under Sections 452/427/323/34 IPC, registered at Police Station Guruharsahai, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.09.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.08.2017
sanjeev

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