

241.

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

CRM-M-36701-2016

Date of decision:13.11.2017

SHEETAL

... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Bhupender Beniwal, AAG, 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.94 dated 28.05.2015 under Section 295-A IPC, registered at Police Station Division No.5, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 10.02.2016 (Annexure P-2).

This Court vide order dated 17.10.2016 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 Judicial Magistrate Ist Class, Jalandhar and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.09.2017 to the effect that the compromise effected between the parties is genuine, voluntarily, without any pressure, coercion or undue influence from any quarter.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Subash Goraya, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 16.09.2017.

The same is reproduced as under:-

“That an FIR No.94 dated 28.05.2015, under Section 295-A of IPC was lodged with the police Station Divn. No.5 Jalandhar on the basis of complaint made by me against the accused Sheetal son of Vicky, resident of Lasuri Mohalla Basti Danishmandan, Jalandhar. I have voluntarily arrived at compromise with the accused without any pressure, threat or coercion with my own sweet will. My identity proof which is a photocopy of Adhar Card is Ex.C1. (original seen and returned). I have no objection if the said FIR is quashed.”

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.94

Division No.5, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 10.02.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.11.2017
sanjeev

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