

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

262

CRM-M-37977 of 2017

Date of Decision:19.12.2017

Deepak Raj Bansal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Deepak Gupta, Advocate,
for the petitioner.

Mr.Bhupender Beniwal, A.A.G., 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 FIR No.270 dated 29.11.2016 under Sections 384, 511, 506 IPC, registered at Police Station Kotwali, Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.09.2017 (Annexure P-2).

This Court vide order dated 10.10.2017 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, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.11.2017 to the effect that the parties have compromised the matter voluntarily, with their free will and without any coercion or undue influence.

Respondent No.2-Complainant, namely, Jiva Ram, has made a statement with regard to compromise before learned Magistrate on 17.11.2017. The same is reproduced as under:-

“I have compromised with Deepak Raj Bansal son of Kaur Sain Bansal r/o # 16960, Gali No.3-A, Aggarwal Colony, Bathinda in FIR No.270 dated 29.11.2016 u/s 384/511/506 IPC P.S. Kotwali Bathinda. I have no objection if the FIR against above said persons is quashed on the basis of compromise. The written compromise with accused is Ex.Cx-1 on which I identify my signature at point A, C, E and G. The compromise is genuine, voluntary and without any coercion or undue influence. ”

Learned State counsel, on instructions from HC Binder Singh, has shown ignorance about the compromise.

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.270 dated 29.11.2016 under Sections 384, 511, 506 IPC, registered at Police Station

Kotwali, Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 24.09.2017 (Annexure P-2).

December 19, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No