

238.

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

CRM-M-40283-2016

Date of decision:30.08.2017.

HANS RAJ AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Liaqat Ali, Advocate,
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab,
for respondent No.1.

None for respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0094 dated 16.09.2016 under Sections 308, 452, 323, 341, 506, 148, 149 IPC, registered at Police Station Barnala, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.09.2016 (Annexure P-2).

This Court vide order dated 10.11.2016 had directed the parties to appear before the Chief Judicial Magistrate/Illaq Magistrate 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 Additional Chief Judicial Magistrate, Barnala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.02.2017 to the effect that the compromise effected between the parties is the result of free consent and the same is a valid one.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Navdeep Kaur, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 11.02.2017. The same is reproduced as under:--

“Stated that I am complainant in this case and FIR was got recorded on my statement. The matter has been compromised with the intervention of respectable of the village. The accused filed criminal revision no.CRM-M-40283 of 2016 presented before the Hon'ble High Court in CRM No.M-40283 of 2016. This compromise has been effected with my free consent and without any pressure or undue influence from any quarter. This compromise has been reached in between the parties, voluntarily and without any pressure. Kindly FIR be quashed.”

Apart from above, respondents No.3 and 4 have also made a joint statement whereby they have shown no objection to the FIR being 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.0094 dated 16.09.2016 under Sections 308, 452, 323, 341, 506, 148, 149 IPC, registered at Police Station Barnala, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 21.09.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.08.2017
sanjeev

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