

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

CRM-M-3988 of 2015.

Decided on:-10.08.2017.

Davinder Singh.

.....Petitioner.

Versus

The State of Punjab and another

.....Respondents.

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

Present:- Mr. Brij Mohan, Advocate for
Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Amandeep Singh, Advocate for
Mr. Shakinderpal Singh Chakkal, 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.105 dated 06.08.2011 under Sections 458, 427, 506, 148 and 149 IPC (challaned under Sections 452, 427, 506, 148 and 149 IPC) registered at Police Station Phase-I, SAS Nagar, Mohali, District Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 19.11.2014 (Annexure P-2).

This Court vide order dated April 30, 2015 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, petitioner-accused, namely, Davinder Singh and respondent No.2-complainant Kanwaljit Singh have appeared before learned Chief Judicial Magistrate, Mohali and got their statements recorded on 01.06.2015. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 03.06.2015 to the effect that the compromise has been effected between the petitioner and respondent No.2-complainant out of their own free will and without any coercion and there is a valid compromise.

The factum of compromise between the petitioner and respondent No.2 has not been disputed by learned State counsel.

Learned counsel for respondent No.2-complainant also accepts the factum of compromise and states that the respondent No.2 has compromised the matter with petitioner-accused Davinder Singh. He states that the respondent No.2 has no objection in case the FIR in question is quashed qua the petitioner.

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. qua the petitioner.

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.105 dated 06.08.2011 under Sections 458, 427, 506, 148 and 149 IPC (challaned under Sections 452, 427, 506, 148 and 149 IPC) registered at Police Station Phase-I, SAS Nagar, Mohali, District Mohali (Annexure P-1) and all consequential proceedings arising therefrom are quashed

qua petitioner, namely, Davinder Singh on the basis of compromise by way of affidavit dated 19.11.2014 (Annexure P-2).

August 10, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No