

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CRM-M-40170 of 2017

Date of Decision:21.11.2017

Yadvinder Nath and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Kumar Vishav Aggarwal, Advocate,
for the petitioners.**

**Mr. Atinder Pal Singh Jaurkian, A.A.G., Punjab,
for respondent No.1.**

**Mr. R.S. Randhawa, 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.0069 dated 10.11.2016 under Sections 323, 506, 420, 467, 468, 471, 120-B IPC, registered at Police Station Sandaur, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.08.2017 (Annexure P-3).

This Court vide order dated 30.10.2017 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, Malerkotla and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted his report dated 09.11.2017 to the effect that the parties have compromised the matter. The compromise is voluntary, without any coercion or any greed and the same is a genuine one.

Respondent Nos.2, complainant, namely, Harpal Singh, has made a statement with regard to compromise before learned Magistrate on 08.11.2017. The same is reproduced as under:-

“I have compromised the matter with the accused persons namely Yadwinder Nath, Ravinder Nath sons of Lt. Sh. Som Nath, all residents of SCO No. 411, First Floor Sector 20 Panchkula in FIR No.0069 dated 10.11.2016 under Sections 323, 506, 420, 467, 468, 471 and 120-B IPC, Police Station Sandaur, without any pressure, coercion and without consuming any intoxicant substance and with the help of respectable persons on 01.08.2017 and photocopy of compromise is Ex.C1. Accused No.1 Som Nath has already died in the year 1993 and whereabouts of accused No.4 Vishal Gautam is not known. The quashing petition filed by Yadwinder Nath and Ravinder Nath in the Hon'ble Punjab & Haryana High Court may kindly be accepted and the above mentioned FIR may kindly be quashed against all the accused. Photo copy of my Aadhar Card is Mark-A1.”

Learned State counsel as well as learned counsel for respondent No.2 have 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

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.0069 dated 10.11.2016 under Sections 323, 506, 420, 467, 468, 471, 120-B IPC, registered at Police Station Sandaur, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 01.08.2017 (Annexure P-3).

November 21, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No