

240.

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

CRM-M-45815-2016

Date of decision:30.08.2017.

RAJ KUMAR

... Petitioner

Versus

STATE OF PUNJAB & ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gagandeep Singh Simble, Advocate,
for Mr. I.S. Mann, Advocate,
for the petitioner.

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

Mr. Rahul Sharma, 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 F.I.R. No.231 dated 06.10.2016 under Section 379 IPC, (Sections 411, 473 IPC added lateron) registered at Police Station Cantonment, District Police Commissionerate, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.12.2016 (Annexure P-2).

Power of attorney filed on behalf of respondent No.2, is taken on record.

This Court vide order dated 21.12.2016 had directed the parties to appear before the Illaqa Magistrate/CJM 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, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.01.2017 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Harchand Singh has made his statement with regard to compromise before learned Magistrate on 25.01.2017. The same is reproduced as under:-

“Stated that I got registered a case in shape of FIR bearing No.231 dated 06.10.2016 u/s 379 IPC (411, 473 IPC) at P.S. Cantonment, Amritsar against accused Raj Kumar s/o Ajit Kumar r/o Shanti Nagar Kahnuan Road, Batala Tehsil Batala District Gurdaspur. Now I have entered into compromise with the above said accused without any undue influence, pressure, and the said compromise is genuine one. I have no objection if present FIR is quashed or cancelled against Raj Kumar s/o Ajit Kumar r/o Shanti Nagar Kahnuan Road, Batala, Tehsil Batala District Gurdaspur on the basis of compromise. The original of said compromise is filed before the Hon'ble Punjab and Haryana High Court. The copy of same is Ex.P1.”

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 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.231 dated 06.10.2016 under Section 379 IPC, (Sections 411, 473 IPC added lateron) registered at Police Station Cantonment, District Police Commissionerate, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 06.12.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.08.2017
sanjeev

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