

253.

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

CRM-M-11030-2018

Date of decision:05.07.2018.

KARAN KUMAR

... Petitioner

Versus

UT OF CHANDIGARH AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Preeti Sharma, Advocate,
for the petitioner.

Mr. Anil Kumar Lamdharia, APP, U.T., Chandigarh,
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 F.I.R. No.315 dated 01.11.2014 under Sections 324, 34 IPC, registered at Police Station Sector 36, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.07.2017 (Annexure P-2).

Learned counsel for the petitioner states that though the report submitted by the trial Court refer to offence under Section 326 IPC, but in fact, there is no such offence in the FIR.

This Court vide order dated 16.03.2018 had directed the parties to appear before the 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 Ist Class, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.04.2018 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Partap Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 03.04.2018. The same is reproduced as under:-

“In the present case FIR No.315, dated 31.10.2014, u/s 324/34/326 IP, PS-36, Chd., the matter has been compromised amicably in all respects with accused Karan Kumar s/o Bachhi Lal. The terms of the statement were reduced in writing in the shape of compromise deed which is attached in quashing petition pending before Hon'ble High Court, Chd. The said compromise deed has been signed by me as well as said accused. The present statement is without any threat, pressure, coercion or undue influence. I have no objection if the above said FIR may kindly be quashed and accused Karan Kumar s/o Bachhi Lal may be acquitted.”

Learned counsel appearing on behalf of Union Territory, Chandigarh-respondent No.1 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.315 dated 01.11.2014 under Sections 324, 34 IPC, registered at Police Station Sector 36, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 29.07.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

05.07.2018
sanjeev

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