IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13694-2018 (O&M)
Date of Decision:-05.10.2018.

Harpal Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

****

Present: Mr. Gurbir Singh Toor, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sandeep Kumar, Advocate for respondent Nos.5 and 6.

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P.B. BAJANTHRI, J. (Oral)

Petitioner is seeking quashing of FIR No.11 dated 17.01.2015 under Section 451/323/34 IPC, registered at Police Station, Sudhar District Ludhiana Rural (Annexure P-1) and also cross version DDR No.17 dated 22.01.2015 under Sections 323/324/34 IPC, registered at Police Station Sudhar, District Ludhiana Rural (Annexure P-2) on the basis of compromise dated 29.06.2015 (Annexure P-3) arrived at between the parties.

2.) Learned counsel for the petitioner submitted that FIR is a result of sudden quarrel and in fit of anger. Now with the intervention of relatives and friends, parties have amicably settled their dispute and entered into compromise through special power of attorney which has been recorded before the Trial Court.

3.) This Court vide order dated 29.08.2018 had directed the parties

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to appear before the Trial Court/Illaqa Magistrate on 26.09.2018 for recording their statements with regard to veracity of the compromise. The Judicial Magistrate Ist Class, Jagraon has sent his report dated 01.10.2018 wherein it is stated that in pursuance to the order of this Court, statements of the parties were recorded. As per the statements, compromise has been effected without any fear or undue influence.

4.) In view of the law laid down by Hon'ble the Supreme Court in the case of ***"Anita Maria Dias and another Vs. State of Maharashtra and another"*** reported in ***(2018) 3 SCC 290***, no useful purpose would be served by continuing the criminal proceedings. Therefore, petition is allowed and FIR No.11 dated 17.01.2015 under Section 451/323/34 IPC, registered at Police Station, Sudhar District Ludhiana Rural (Annexure P-1) and all other consequential proceedings arising therefrom are hereby quashed qua the petitioner and cross version DDR No.17 dated 22.01.2015 under Sections 323/324/34 IPC, registered at Police Station Sudhar, District Ludhiana Rural (Annexure P-2) qua the respondent Nos.5 and 6 only on the basis of compromise dated 29.06.2015 (Annexure P-3), subject to payment of litigation cost to the State of Punjab a sum of ₹ 5,000/- each by the petitioner and respondent Nos.5 and 6. Cost be remitted in the District Treasury, Ludhiana, State of Punjab within a period of 3 months from today.

(P.B. BAJANTHRI)
JUDGE

October 05, 2018.
sandeep

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.

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