

251.

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

CRM-M-16450-2018

Date of decision:29.08.2018.

GURPREET RAYE @ GURPREET RAI

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Munish Khanngwal, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

Mr. Manpreet Singh, 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.72 dated 02.09.2015 registered under Sections 323, 341, 506 IPC at Police Station Behram, District Shaheed Bhagat Singh Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.03.2018 (Annexure P-2).

This Court vide order dated 21.04.2018 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, Shaheed Bhagat Singh Nagar and got

their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 23.07.2018 to the effect that the compromise effected between the parties appears to be bonafide and is not the result of any pressure or coercion in any manner.

Respondent No.2-complainant, namely, Chander Mohan has made a statement with regard to compromise before learned Magistrate on 02.05.2018. The same is reproduced as under:-

“Stated that I am resident of the above said address. The matter has been compromised with the accused namely Gurpreet Rai S/o Harbhajan Ram R/o Vill Jandiali, SBS Nagar. The compromise between the parties has been reduced into writing and photocopy of compromise between the parties is Ex.-C1. I identify my signatures on the same. I signed on the same in the presence of the above said accused person. The said compromise is signed by me with free will and without any pressure or coercion. I do not want to pursue the present case against the accused person. There is no other case pending between the parties.”

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.72 dated 02.09.2015 registered under Sections 323, 341, 506 IPC at Police Station Behram, District Shaheed Bhagat Singh Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 16.03.2018 (Annexure P-2). However, that would be

subject to payment of costs of Rs.5,000/- to be deposited with the Kerala Chief Minister's Distress Relief Fund towards relief to the Kerala flood victims, for which, receipt would be produced in the Registry within 15 days from today.

(HARI PAL VERMA)
JUDGE

29.08.2018
sanjeev

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