

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

267

CRM-M-16649-2018

Date of Decision:14.11.2018

Robinderjit Singh Batth

.....Petitioner

Versus

U.T., Chandigarh and another

.....Respondents

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

Present: Mr. Gurmohan Singh Bedi, Advocate,
for the petitioners.

Mr. J.S. Toor, APP,
for U.T., Chandigarh-respondent No.1.

Respondent No.2 in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.288 dated 05.12.2016 under Section 279 IPC, registered at Police Station Sector 36, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 05.03.2018 (Annexure P-2).

This Court vide order dated 13.08.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court 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, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.09.2018 to the effect that the parties have

compromised the matter out of their own free-will and without any threat or coercion from any side. The compromise appears to be voluntarily in nature.

Respondent No.2-Complainant, namely, Aman Priye Jain, has made a statement with regard to compromise before learned Magistrate on 23.08.2018. The same is reproduced as under:-

“I have compromised the matter with the accused Robinderjit Singh Batth s/o Sh. Gurbrindra Singh Batth, r/o House No.126, Sector 21 A, Chandigarh in FIR No.288 dated 05.12.2016 under Section 279 IPC, PS-36, Chandigarh without any undue influence and fear. I have no objection if FIR is quashed. In future there will be no claim against the accused person with regard to this FIR.”

Learned State counsel as well as 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 FIR No.288 dated 05.12.2016 under Section 279 IPC, registered at Police Station Sector 36, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 05.03.2018 (Annexure P-2).

November 14, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No