

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115

**CRM-13772-2018 &
CRM-M-16906-2017**

Date of decision: 24.04.2018

Sunny Nischal son of Naresh Nischal

...PETITIONER

VERSUS

State of Punjab and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Maninder Arora, Advocate,
for the applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-13772-2018

Notice of the application to the counsel opposite.

On the asking of the Court, Mr. Kuldeep Singh, Sr. Deputy
Advocate General, Punjab, accepts notice on behalf of the State.

Mr. Ved Parkash, Advocate, puts in appearance on behalf of
respondent No. 2.

Counsel for the respondents state that they have no objection to
the preponement of the hearing of the case and for disposal thereof.

In the light of the consent given by the counsel for the
respondents, the hearing of the case is preponed from 06.09.2017 to today
and the same is taken on Board for disposal.

Application stands disposed of accordingly.

CRM-M-16906-2017

Prayer in this petition is for quashing of FIR No. 283 dated

15.09.2008 (Annexure P-1) under Sections 323/325/452/427/382/148/149

IPC registered at Police Station City Phagwara, and all consequential proceedings arising therefrom in the light of the compromise dated 09.05.2017 (Annexure P-2).

On 15.05.2017, when this case came up for hearing, the following order was passed:-

“ The instant petition has been filed under Section 482 Cr.P.C. for quashing of the FIR No.283, dated 15.09.2008, under Sections 323/325/452/427/382/148/149, registered at Police Station City Phagwara, on the basis of compromise, which as per counsel has been entered into with the complainant/respondent No.2.

Notice of motion, returnable for 06.09.2017.

At this stage, Mr. Ved Parkash, Advocate, who is present in Court accepts notice on behalf of respondent No.2 and concedes to the factum of the compromise.

In the meanwhile, parties are directed to appear before the trial Court for recording of the statements on 26.05.2017 in support of the compromise.

A report as regards veracity of the compromise be furnished to this Court on or before the adjourned date.”

In compliance with the order passed by this Court, the parties appeared before the Judicial Magistrate Ist Class, Phagwara (Duty), who has proceeded to record their statements and on the basis of the same, a report has been submitted indicating that the compromise, which has been entered into between the parties, is without any kind of undue influence or pressure and is genuine.

In the light of the fact that the Court has found the compromise, which has been entered into between the parties dated 09.05.2017 (Annexure P-2), to be genuine as per the affidavit of the complainant, there appears to be no reason why the present petition should not be allowed.

Counsel for the petitioner as well as respondent No. 2-complainant pray that the present petition may be allowed as the parties have amicably resolved their dispute and the complainant is no more interested in pursuing the FIR, which was registered at his behest so that peace and tranquillity between the parties subsists.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the matter stands amicably resolved between the parties and in the light of the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 and Crl. Appeal No. 1723 of 2017 titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, the present petition is allowed. FIR No. 283 dated 15.09.2008 (Annexure P-1) under Sections 323/325/452/427/382/148/149 IPC registered at Police Station City Phagwara, and all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

April 24, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No