

CRM-M-18418-2017

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

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Date of Decision: 17th January, 2018

Gaurav Kumar @ Johny & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ajay Pal Singh Madaan, Advocate
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Prabhjot Singh, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.107 dated 14.07.2014, under Sections 452, 427, 506, 147 and 149 of the Indian Penal Code and Section 3 of Punjab Medical Service Prevention Act, 2008, registered at Police Station Division No.8, Jalandhar, (Annexure P-1) and all subsequent proceedings arising out of the same, in the light of the compromise dated 11.05.2017 (Annexure P-2) entered into between the petitioners and respondents No.2 & 3.

In pursuance to the submissions made by the counsel for the petitioners and the prayer made in the petition, order dated 22.03.2017 was passed by this Court, which reads as follows:-

“Heard.

Learned counsel for the petitioners submits that the matter has since been amicably settled with the private respondents through compromise, copy of which has been placed on file as Annexure P-2.

Notice of motion.

Mr. Prabhjot Singh, Advocate has put in appearance on behalf of respondents No.2 and 3 and filed power of attorney.

Parties may appear before the trial Court on 05.07.2017 or on any other date convenient to the trial Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the trial Court will send copies of the same to this Court with its report:

(i) regarding genuineness and voluntary nature of the compromise;

(ii) whether all the accused/petitioners are appearing before the Court or are on bail; and

(iii) whether any other proceeding is pending against the accused/petitioners.

Report of trial Court be awaited for 04.09.2017.”

In compliance with the order passed by this Court, report has

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been submitted by the Judicial Magistrate First Class, Jalandhar, dated 01.09.2017 (at flag 'A'). As per the said report, the compromise which has been entered into between the parties is with the consent of the parties and without any pressure, coercion, undue influence and inducement from any quarter and therefore, the same is genuine and arrived at amicably by the parties. The Magistrate has further stated that none of the petitioners is proclaimed offender.

Counsel for the petitioners as also respondents No.2 and 3 state that except for the petitioners, there is no other accused in the FIR. Counsel for the petitioners states that in the light of the compromise, FIR may be quashed as the parties want to settle the matter amicably and it would be better for them.

Counsel for respondents No.2 and 3 states that he has no objection to the quashing of the FIR and also the consequential proceedings arising therefrom.

In the light of the fact that the parties have entered into a compromise and keeping in view the report submitted by the Judicial Magistrate First Class, Jalandhar, as also the principles laid down by the Hon'ble Supreme Court in *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* and the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.107 dated 14.07.2014, under Sections 452, 427, 506, 147 and 149 of the Indian Penal Code and Section 3 of Punjab Medical Service

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Prevention Act, 2008, registered at Police Station Division No.8, Jalandhar, (Annexure P-1) and all subsequent proceedings arising out of the same, are hereby quashed.

17th January, 2018

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**

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