

256.

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

CRM-M-19108-2017

Date of decision:03.12.2018.

MANGAT RAM & ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Parvesh Chugh, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

None 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.47 dated 07.05.2017 registered under Sections 452/427/148/149 of IPC at Police Station Lakho Ke Behram, District Ferozepur (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 16/18.05.2017 (Annexure P-1).

This Court vide order dated 29.08.2018 had directed the parties to appear before the Illaqa Magistrate/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, Guruharsahai and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 21.11.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Ashok Kumar, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 01.10.2018. The same is reproduced as under:-

“Stated that in the present case, with the intervention of the respectables, a compromise has been effected between me and accused namely Mangat Ram, Rakesh Kumar, Uman Mehta, Dharam Pal, Mannu @ Monu @ Kamal Mehta, Ramesh Kumar present in the court and Sonu @ Bharat Bhushan who is not present in the court today.

I have effected the compromise voluntarily, without any pressure or coercion and now we have no grudge against each other. My statement is not result of any pressure or coercion in any manner and I am making statement on my own free will. I have no objection, if the FIR of the present case is quashed against all the accused persons.

In the present none of the accused has been declared as proclaimed offender.”

Learned State counsel has 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.47 dated 07.05.2017 registered under Sections 452/427/148/149 of IPC at Police Station Lakho Ke Behram, District Ferozepur (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16/18.05.2017 (Annexure P-1).

(HARI PAL VERMA)
JUDGE

03.12.2018
sanjeev

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