

267.

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

CRM-M-20607-2018

Date of decision:09.07.2018.

KANWARPAL SINGH

... Petitioner

Versus

UT OF CHANDIGARH AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. J.S. Toor, APP, UT, Chandigarh,
for respondent No.1.

Mr. Kunal Vinayak, Advocate, for
Mr. Rajesh Pal, 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.321 dated 01.11.2017 under Section 435 IPC, registered at Police Station Sector 11, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/ affidavit dated 19.04.2018 (Annexure P-2).

This Court vide order dated 15.05.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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, Chandigarh and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.06.2018 to the effect that the compromise has been effected between the parties without any pressure, coercion and undue influence from any quarter.

Respondent No.2-complainant, namely, Syed Naiyer Hassan has made his statement with regard to compromise before learned Magistrate on 23.05.2018. The same is reproduced as under:-

“I have compromised the matter with the accused Kanwar Pal Singh with my free will at without any coercion, undue influence or pressure from anybody. I have no objection if the FIR No.321 dated 01.11.2017, u/s 435 IPC, P.S. 11, Chandigarh got registered by me along with other proceedings be quashed. Copy of the affidavit on which I identify my signatures is Ex.C1 vide which the present compromise has been entered into by me and accused Kanwar Pal Singh. The name of the accused has been mentioned due to some misunderstanding which has now been cleared out. I am giving my statement without any pressure, coercion and undue influence.”

Learned counsel appearing on behalf of U.T., Chandigarh-respondent No.1 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.321 dated 01.11.2017 under Section 435 IPC, registered at Police Station Sector 11, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/ affidavit dated 19.04.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

09.07.2018
sanjeev

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