

278.

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

CRM-M-22855-2018

Date of decision:16.07.2018.

YOGESH ARYA (MINOR) THR NATURAL GUARDIAN (FATHER)
ATMA RAM, CHD

... Petitioner

Versus

UT OF CHANDIGARH AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Satnam Chauhan, Advocate, for the petitioner.

Mr. Sumit Jain, APP, UT, Chandigarh, for respondent No.1.

Mr. Anil Chaudhry, 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.76 dated 22.08.2018 under Sections 279, 427 IPC, registered at Police Station Sector 39, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.04.2018 (Annexure P-2).

This Court vide order dated 25.05.2018 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, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.06.2018 to the effect that the compromise has

been effected between the parties out of their own free will and without any threat or coercion from any side.

Respondent No.2-complainant, namely, Jyoti Prakash Sharma has made his statement with regard to compromise before learned Magistrate on 06.06.2018. The same is reproduced as under:-

“I have compromised the matter with the accused Yogesh Arya in case FIR No.76 dated 22.02.2018 under Section 279, 427 PS 39, Chandigarh and I have compromise the matter without undue pressure and undue influence. I have no objection if the said FIR is quashed. (compromise annexure A).”

Learned counsel appearing on behalf of respondent No.1-U.T., Chandigarh 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.76 dated 22.08.2018 under Sections 279, 427 IPC, registered at Police Station Sector 39, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 24.04.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

16.07.2018
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