

265.

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

CRM-M-24165-2018

Date of decision:04.12.2018.

SANJIV KUMAR

... Petitioner

Versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Saurabh Garg, Advocate, for the petitioner.

Mr. Ripu Daman, AAG, Haryana, for respondent No.1.

None for respondents No.2 & 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.64 dated 21.02.2017 registered under Sections 279, 337, 338 of IPC at Police Station Civil Lines, District Kaithal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.03.2018 (Annexure P-2).

This Court vide order dated 31.05.2018 had directed the parties to appear before the trial Court to get their statements recorded and the trial Court was directed to send its report qua the genuineness of the compromise. However, the statements of the parties could not be recorded and vide order dated 30.08.2018, the parties were again directed to appear before the trial Court for recording their statements in support of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Kaithal and got their statements

submitted report dated 15.09.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat and coercion.

Though today none has put in appearance on behalf of respondent No.3-complainant-Shiv Parsad at whose behest the FIR was registered as well as Gur Darshan-respondent No.2-injured in the case, but no prejudice would be caused to them as they have already made their statements with regard to compromise before learned Magistrate on 31.08.2018 to the effect that they have compromised the matter with the accused without any pressure and with their own will.

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.64 dated 21.02.2017 registered under Sections 279, 337, 338 of IPC at Police Station Civil Lines, District Kaithal (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 15.03.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.12.2018

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No