

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRM-M-24598-2018

Date of Decision:31.08.2018

Bhola and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Tarun Singla, Advocate,
for the petitioners.**

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

**Mr. G. S. Simble, 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 FIR No.71 dated 10.04.2018 under Sections 341, 506, 149 IPC and Section 4 of Punjab Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008, (the offence punishable under Section 384 IPC was added later on), registered at Police Station Civil Lines, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.04.2018 (Annexure P-3).

This Court vide order dated 01.06.2018 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.

learned Chief Judicial Magistrate, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.07.2018 to the effect that the compromise effected between the parties appears to be genuine and voluntary. The statements have been suffered by the parties out of their free will and same are not the result of any pressure, undue influence or coercion in any manner.

Respondent No.2-Complainant, namely, Dr. Atin Gupta, has made a statement with regard to compromise before learned Magistrate on 05.07.2018. The same is reproduced as under:-

“I have brought my Adhar Card to prove my identity and placed on record self attested copy of the same.

I am complainant of case FIR No.71 dated 10.04.2018 U/Ss 341, 506, 149 IPC & Section 4 of Punjab Protection of Medicare Service Persons & Medicare Service Institutions (Prevention of Violence and Damage to Property/Bill) Act, 2008, (Section 384 IPC added later on), Police Station Civil Lines, Bathinda, registered against the accused-petitioners namely Bhola, Ashoki, Ashok Kumar, Nirmala Devi, Kamlesh Rani, Kala Singh, Kuldeep Singh & Sukhman Bhagria. With the intervention of common relatives and respectable persons, I have arrived at compromise with the above named accused-petitioners, without any pressure or coercion. The compromise is genuine and voluntarily and the same is in the interest of the parties. Regarding the compromise, the accused-petitioners have filed a petition before Hon'ble High Court, bearing CRM No.24598 of 2018, for quashing the aforesaid FIR registered against them. I have no grudge against the accused/petitioners. I do not want to proceed with present case against them and have no objection if FIR No.71 dated 10.04.2018 U/Ss 341, 506, 149 IPC & Section 4 of Punjab Protection of Medicare Service

Persons & Medicare Service Institutions (Prevention of Violence and Damage to Property/Bill) Act, 2008, (Section 384 IPC added later on), Police Station Civil Lines, Bathinda, registered against the accused-petitioners, are quashed. There is no other person in the FIR except the present petitioners.”

Learned State counsel 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 FIR No.71 dated 10.04.2018 under Sections 341, 506, 149 IPC and Section 4 of the Punjab Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008, (the offence punishable under Section 384 IPC was added later on), registered at Police Station Civil Lines, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 26.04.2018 (Annexure P-3).

August 31, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No