

260.

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

CRM-M-24674-2018

Date of decision:30.08.2018.

DANIAL

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. A.S. Cheema, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

Ms. Nisha Malik, 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.95 dated 12.10.2017 registered under Sections 323, 325 IPC at Police Station Bholath, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.04.2018 (Annexure P-2).

This Court vide order dated 01.06.2018 had directed the parties to appear before the Illaqa 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, Kapurthala and got their statements

submitted report dated 06.07.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat, coercion or pressure.

Respondent No.2-complainant, namely, William Masih has made his statement with regard to compromise before learned Magistrate on 12.06.2018. The same is reproduced as under:-

“That I have compromised in FIR No.95, dated 12.10.2017 under section 323/325 IPC, P.S. Bholath, District Kapurthala. I have compromised matter with accused namely Danial son of Piara Lal, resident of Village Rajpur, Tehsil Bholath, District Kapurthala with the intervention of respectables and Panchayat members. The correct photocopy of my Adhar Card is Ex.C1. The matter in dispute has been compromised amicably with the intervention of respectables of Village between me and accused. The accused has already compensated me. In future neither I nor the accused would take any legal action against each other. I have not objection if the present FIR be quashed. I have compromised the matter voluntarily, willingly, with my own free will and without any coercion or undue influence. ”

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 F.I.R. No.95 dated 12.10.2017 registered under Sections 323, 325 IPC at Police Station Bholath, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 20.04.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.08.2018
sanjeev

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