

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

CRM-M-27405 of 2018.

Decided on:- December 10, 2018.

Mohit Puri and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Sunil K. Sahore, Advocate
for the petitioners.

Mr. Harpreet S. Multani, A.A.G., Punjab.

Mr. M.S. Atwal, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross G.D. No.40 dated 20.04.2017 under Sections 323, 324, 148 and 149 IPC (Annexure P-1) recorded in FIR No.82 dated 20.04.2017 under Sections 323, 324, 452, 427, 379, 506, 148 and 149 IPC registered at Police Station Tanda, District Hoshiarpur (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.04.2018 (Annexure P-3).

This Court vide order dated 04.07.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Dasuya and got their statements recorded on 06.08.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 24.08.2018 to the effect that a genuine compromise has been effected between the petitioners and respondent No.2 and no accused has been declared as proclaimed offender in this case.

The cross G.D. No.40 dated 20.04.2017 has been recorded on the basis of statement of respondent No.2-complainant Usman Khan. His statement made before learned Magistrate on 06.08.2018 in support of the compromise, reads as under:

“Stated that I am complainant in the present (GD No.040 dated:-20-4-2017) arising out of FIR No.82 dated:-20-4-2017 PS Tanda. The said GD was registered on my statement. With the intervention of the respectables of the locality, compromise has been effected between the parties. The compromise is genuine, and voluntarily executed by the parties without any coercion or undue influence. Now both the parties have no grudge against each other. Both the parties have undertaken to live peacefully in future. I have no objection if the above said GD No.40 dated 20-4-2017 of FIR No.82 dated:- 20-4-2017 PS Tanda is quashed against the accused. The compromise is Mark-A which has been signed by all the parties.”

Learned State counsel and learned counsel for respondent No.2-complainant have not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant cross G.D. No.40 dated 20.04.2017 qua the petitioners shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the cross G.D. No.40 dated 20.04.2017 under Sections 323, 324, 148 and 149 IPC (Annexure P-1) recorded in FIR No.82 dated 20.04.2017 under Sections 323, 324, 452, 427, 379, 506, 148 and 149 IPC registered at Police Station Tanda, District Hoshiarpur (Annexure P-2) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.04.2018 (Annexure P-3).

December 10, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No