

257.

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

CRM-M-27563-2017 (O&M)

Date of decision:24.07.2018

SAHIL NARANG

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Anu Bala, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. V.P. Sangwan, 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.390 dated 03.11.2015 registered under Sections 379B/34 IPC at Police Station Civil Lines, Amritsar, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.11.2016 (Annexure P-2).

This Court vide order dated 31.07.2017 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, however, the parties could not appear. Again, vide order dated 13.11.2017, parties were directed to appear before the trial Court/Illaq Magistrate on 22.11.2017 for recording their statements

in support of compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.12.2017 to the effect that the parties have willfully settled their differences and reached at bonafide compromise without any pressure and the same seems to be genuine.

Respondent No.2-complainant, namely, Surinder Kumar has made his statement with regard to compromise before learned Magistrate on 22.11.2017. The same is reproduced as under:-

“Stated I have got registered FIR no.390 of 3.11.2015 under section 379B/34 of Indian Penal Code, Police station, Civil Lines, Amritsar against accused Sahil Narang. Now, with the intervention of respectable, I have arrived at the compromise with the accused out of my free will and willful consent and there is no pressure or coercion upon me. I have no objection, if FIR no.390 of 3.11.2015 under section 379B/34 of Indian Penal Code, Police station, Civil Lines, Amritsar be quashed.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties. Learned State counsel, on instructions from ASI Baldev Singh, states that investigation in this case has been completed and challan has already been presented. No other case has been pointed out against the petitioner.

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**

Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.390 dated 03.11.2015 registered under Sections 379B/34 IPC at Police Station Civil Lines, Amritsar, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 29.11.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

24.07.2018
sanjeev

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