

255.

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

CRM-M-28206-2017

Date of decision:18.09.2018.

RAKESH PUNJ AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Zorawar Singh Chauhan, Advocate,
for the petitioners.

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

Mr.Sahil Gupta, Advocate, for
Mr. J.K. Sehrawat, 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.194 dated 13.07.2016 registered under Sections 379-B/34 IPC (Sections 408, 192 and 120-B IPC added lateron) and Section 66 of Police Act at Police Station Focal Point, Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.05.2017 (Annexure P-2).

This Court vide order dated 03.08.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 Chief Judicial Magistrate, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.09.2017 to the effect that parties have arrived at a compromise with their free consent, without any undue influence or coercion.

Respondent No.2-complainant, namely, Harsh Gupta has made his statement with regard to compromise before learned Magistrate on 04.09.2017. The same is reproduced as under:-

“Stated that FIR No.194 dated 13.7.2016 u/s 379-B, 34 IPC and 66 Police Act and 408, 192, 120-B IPC added later on, PS Focal Point, Ludhiana was got registered by me against accused Rakesh Punj s/o Leela Dhari Punj, r/o H.No.245 AD, St. No.13, Sarpanch Colony Jamalpur, Ludhiana and Vikas Kumar @ Sonu, s/o Shri Ram r/o H.No.634, St. No.2 New Ram Nagar Sua Road, Giaspura, Ludhiana. Now with the intervention of the respectables, I have entered into compromise with the accused persons without any pressure and coercion and with my own free will and the matter has been resolved amicably to maintain peace and harmony amongst each other. I have no objection if the present FIR is quashed.”

Learned counsel for the petitioners states that initially the FIR was registered under Sections 379B/34 IPC and Section 66 of Police Act and challan was presented. However, thereafter the trial Court framed charges under Sections 408, 192 and 120-B IPC and no charge was framed under Section 379B/34 IPC. He further states that there was misunderstanding between the petitioner-accused and the complainant and that confusion having been removed, petitioner No.1 is again working with the complainant.

Learned counsel for the respondent-complainant does not

petitioner No.1 is working with the complainant.

Learned State counsel also does not dispute 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.194 dated 13.07.2016 registered under Sections 379-B/34 IPC (Sections 408, 192 and 120-B IPC added lateron) and Section 66 of Police Act at Police Station Focal Point, Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.05.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

18.09.2018
sanjeev

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