

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

CRM-M-30729-2018 (O&M)

Date of Decision:- 22.10.2018

Pushpinder Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Gupta, Advocate, for the petitioner.

Ms. Ruchika Sabbharwal, AAG, Punjab.

Mr. Nirbhay Singh, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

The present petition has been filed for quashing of FIR No. 177 dated 31.5.2015 under Section 309 IPC, Police Station City, Khanna and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Mr. Nirbhay Singh, Advocate has appeared on behalf of respondent No.2 and filed his power of attorney. The same is taken on record.

Vide order dated 23.7.2018 the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get the statements recorded.

Report of learned Sub-Divisional Judicial Magistrate, Khanna has been received to the effect that statement of complainant Diwan Chand and also of petitioner/accused Pushpinder Kumar have been recorded to the effect that they have entered into a compromise with the intervention of respectables. The complainant has specifically stated that he has no objection if the FIR in the present case is quashed. The learned Sub-Divisional Judicial Magistrate, Khanna opined that the parties have entered into the compromise voluntarily, without there being any pressure, coercion or undue influence.

In view of the aforesaid report and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and FIR No. 177 dated 31.5.2015 under Section 309 IPC, Police Station City, Khanna and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner.

October 22, 2018

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No