

**263-2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-32034-2018
Date of decision: 07.12.2018

Deepak Arora

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Hiten Nehra, Addl.A.G., Punjab
for respondent No.1-State.

Mr. Samrit Gill, Advocate
for respondent No.2.

RAJBIR SEHRAWAT, J. (ORAL)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.202 dated 02.10.2017 registered under Section 174-A of the Indian Penal Code (for short 'the IPC'), at Police Station Division No.7, District Jalandhar and all subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 04.05.2018 (Anneuxre P-2) arrived at between the parties.

Vide order dated 30.08.2018, the parties were directed to appear before the trial Court/Illaq Magistrate, for getting their statements recorded; as to the genuineness of the compromise in this case, as well as in the main case in which the present FIR has arisen. In compliance thereof, report of Chief Judicial Magistrate, Jalandhar, dated 28.09.2018, has been

received, wherein, it has been noticed that the compromise arrived at between the parties is genuine, voluntary, without any threat, pressure, coercion or undue influence.

In view of the compromise arrived at between the parties in the main case, the FIR from which main case had arisen, as well as, the subsequent proceedings, therein have been ordered to be quashed vide the separate order of even date. This FIR is also arising in the proceedings subsequent to the FIR in the main case. Hence this FIR also deserves to be quashed. Otherwise also the objective behind the coercive mechanism is to ensure the presence of the accused before the Court. As is mentioned above, the petitioner has already appeared before the Court below, for getting his statement recorded in the present proceedings. Moreover, the proceedings of main case itself has been quashed by this Court. So no useful purpose would be served by keeping the present FIR alive.

Accordingly, the present petition is allowed. FIR No.202 dated 02.10.2017 registered under Section 174-A of the the IPC, at Police Station Division No.7, District Jalandhar and all subsequent proceedings arising therefrom, are hereby quashed qua the present petitioner.

(RAJBIR SEHRAWAT)
JUDGE

07.12.2018

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Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No