

295.

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

CRM-M-33753-2018

Date of decision:20.11.2018.

ANIL KUMAR & ANR.

.... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Suneet Pal Singh Aulakh, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

Mr. Veerdevinder Singh Sekhon, Advocate, for
Mr. Rana Paramveer Singh Behl, Advocate,
for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.41 dated 22.03.2017 registered under Sections 323, 341, 506, 34 of IPC at Police Station Ladhawal, Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 31.05.2018 (Annexure P-2).

This Court vide order dated 07.08.2018 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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.09.2018 to the effect that the compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Dev Prabhakar @ Prabhakar Tiwari has made his statement with regard to compromise before learned Magistrate on 04.09.2018. The same is reproduced as under:-

“I have compromised the matter with accused Anil Kumar son of Ishar Das, aged about 38 years and Ishar Dass son of Ram Partap aged about 64 years both residents of village Ladowal, PS Ladowal, District Ludhiana, who are present in the Court today. I have entered into the compromise with the petitioner/accused voluntarily with my free will without any pressure, coercion or undue influence. I have no objection if the present FIR be quashed.”

Apart from above, a similar statement has been made by the other person, who was statedly given a slap, namely, Amandeep Chouhan i.e. respondent No.3, whereby he has shown no objection in case the FIR is quashed.

Learned State counsel as well as learned counsel for respondents No.2 & 3 have not disputed 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.41 dated 22.03.2017 registered under Sections 323, 341, 506, 34 of IPC at Police Station Ladhawal, Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 31.05.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

20.11.2018
sanjeev

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