

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRM-M-33917-2018

Date of Decision:01.11.2018

Tejpal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. J.S. Bains, Advocate for
Ms. Reena Bains, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.232 dated 06.11.2017 under Sections 341, 323, 34 IPC, registered at Police Station Kotwali Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.07.2018 (Annexure P-2).

This Court vide order dated 08.08.2018 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

learned Chief Judicial Magistrate, Bathinda and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.09.2018 to the effect that the compromise effected between the parties appears to be genuine and voluntary. The statements have been suffered by the parties out of their free will and same are not the result of any pressure, undue influence or coercion in any manner and compromise is valid.

Though, today no one is present on behalf of respondent No.2-Complainant, namely, Girish Jindal, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 04.09.2018. The same is reproduced as under:-

“I have brought my Adhar Card to prove my identity and placed on record self attested copy of the same.

I am complainant of case FIR No.232 dated 6.11.2017, under Sections 341, 323, 34 IPC, Police Station Kotwali, Bathinda, registered against the accused-petitioner namely Dr.Tejpai Singh. Except Dr. Tejpai Singh, no other person has been named as accused in the present FIR and no person in the present FIR has been declared as PO. With the intervention of common relatives and respectable persons, I have arrived at compromise with the above named accused-petitioner, without any pressure or coercion. The compromise is genuine and voluntarily and the same is in the interest of the parties. Regarding the compromise, the accused-petitioners have filed a petition before Hon'ble High Court, CRM-M-33917 of 2018, for quashing the aforesaid FIR registered against him. I have no grudge against the accused/petitioner. I do not want to proceed with present case against the accused and have no objection if FIR No.232 dated 6.11.2017, under Sections 341, 323, 34 IPC, Police Station Kotwali, Bathinda, registered against the accused-petitioner is quashed.”

Learned State counsel has 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 FIR No.232 dated 06.11.2017 under Sections 341, 323, 34 IPC, registered at Police Station Kotwali Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 05.07.2018 (Annexure P-2).

November 01, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No