

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

CRM-M-33030-2017 (O&M)

Date of decision: January 16, 2018

Rakesh Kumar and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Parveen Chauhan, Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab
for respondent No.1-State.

Mr. Ram Bilas Gupta, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.84 dated 21.04.2017, under Sections 323, 324, 506, 34 lateron added Section 452, 326 of Indian Penal Code, registered at Police Station Meharban, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.08.2017 (Annexure P-2).

This Court vide order dated 07.09.2017 had directed the parties to appear before the trial Court to get their statements recorded and the learned Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so

recorded, learned Magistrate has submitted report dated 19.09.2017 to the effect that parties have compromised the matter out of their free will and without any sought of pressure and fear.

Respondent No.2-complainant, namely, Ravi Pandey @ Ravi Shankar has made a statement with regard to compromise before learned Magistrate on 19.09.2017 which reads as under:-

“Stated that I got lodged FIR No.84 dated 21.04.2017, U/s 323/452/326/506/452/34 IPC, P.S. Meharban, Ludhiana, against the accused Rakesh Kumar S/o Nanku, Monu S/o Rakesh Kumar, Manish S/o Rakesh Kumar and Hanish S/o Rakesh Kumar, All C/o Mohalla Model Colony, St. no.8, Gurnam Singh Da Makan, Jagirpur Road, P.S. Meharban, Ludhiana. Now I have entered into compromise with accused i.e. Rakesh Kumar S/o Nanku, Monu S/o Rakesh Kumar, Manish S/o Rakesh Kumar and Hanish S/o Rakesh Kumar, All C/o Mohalla Model Colony, St. no.8, Gurnam Singh Da Makan, Jagirpur Road, P.S. Meharban, Ludhiana. Out of my free will and without any sort of pressure and fear now all doubts between me, and above said accused persons have been cleared. As such I do not want to pursue with the case against the above said accused persons as the matter has been compromised. I undertake to appear before Hon'ble Court to suffer statement for quashing the above said FIR No.84 dated 21.04.2017, U/s 323/452/326/506/452/34 IPC, P.S. Meharban, Ludhiana. Accordingly, nobody would initiate any legal proceedings regarding the said FIR against each other. I have brought my Adhar Card as my proof of identity, the same is Ex.PA.”

Learned State counsel as well as learned counsel for respondent No.2 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. and it will amount to abuse of the process of law.

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.84 dated 21.04.2017, under Sections 323, 324, 506, 34 lateron added Section 452, 326 of Indian Penal Code, registered at Police Station Meharban, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 29.08.2017 (Annexure P-2).

January 16, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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