

261/A.

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

CRM-M-34736-2018

Date of decision:27.09.2018.

ROHIT SHARMA AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. M.S. Rana, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Om Pal Sharma, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross case No.42 dated 17.02.2017 (Annexure P-1) under Sections 451, 323, 427, 148, 149 IPC registered at Police Station Division No.7 (Vardhman), Ludhiana in F.I.R. No.34 dated 05.02.2017, under Sections 324, 323, 341, 148, 149 and 506 of IPC (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 06.06.2018 (Annexure P-3).

This Court vide order dated 14.08.2018 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 Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.09.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any undue influence and coercion.

Respondent No.2-complainant, namely, Simarjit Singh has made his statement with regard to compromise before learned Magistrate on 23.08.2018. The same is reproduced as under:-

“Stated that one case No.42 dated 17.02.2017 under Section 451, 323, 427, 148 and 149 IPC PS Division no.7, Ludhiana has been got registered by me against accused Rohit Sharma, Rajan Sharma and Ajay Sharma. The matter has been compromised with the accused persons Rohit Sharma, Rajan Sharma and Ajay Sharma. This compromise is genuine and without any undue inducement, coercion or pressure. The compromise has been done voluntarily without any threat. I have brought original voter card today in the court and placed on record copy of the same. The original compromise deed is annexed with the quashing petition filed before the Hon'ble High Court. I have no objection if the present FIR is quashed against the accused Rohit Sharma, Rajan Sharma and Ajay Sharma.”

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 case.

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 cross case No.42 dated 17.02.2017 (Annexure P-1) under Sections 451, 323, 427, 148, 149 IPC registered at Police Station Division No.7 (Vardhman), Ludhiana in F.I.R. No.34 dated 05.02.2017, under Sections 324, 323, 341, 148, 149 and 506 of IPC (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 06.06.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

27.09.2018
sanjeev

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