

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

CRM-M-35709 of 2018.

Decided on:- November 16, 2018.

Tejander Kumar and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

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.115 dated 13.06.2018 under Sections 341, 452, 323, 324, 506, 148 and 149 IPC registered at Police Station City Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.07.2018 (Annexure P-2).

This Court vide order dated 20.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Chief Judicial Magistrate, Rupnagar and got their statements recorded on 21.09.2018. On

the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 14.11.2018 to the effect that the compromise is a genuine one and the same has been arrived at between the parties with the intervention of the respectable of the society.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Naina. Though no one has put in appearance on her behalf, but no prejudice would be caused to her as she has already made a statement before learned Magistrate on 21.09.2018 in support of the compromise, which reads as under:

“Stated that accused Tejinder Kumar, Jatin Bhatti, Rahul Bhatti, Rohit Bhatti, Sourav Bhatti and Manav @ Amit have preferred CRM-M-35709 of 2018 under Section 482 of Cr.P.C for quashing FIR No.115 dt. 13.6.2018 u/s 341, 323, 324, 452, 506, 148, 149 IPC, PS City Rupnagar on the basis of compromise dated 4.7.2018, which was effected between me and accused persons. The compromise is Mark A. The said compromise was effected by us voluntarily without any pressure from any quarter. Compromise is genuine, voluntarily and without any coercion or undue influence. Both the parties have no grudge against each other. Aforesaid FIR was registered against aforesaid accused on my complaint. We are bound down by the terms and conditions of compromise Mark A. The copy of my Aadhar Card is Ex.P1. I have no objection, if the above said FIR against aforesaid accused may be quashed by the Hon’ble Punjab and Haryana High Court, Chandigarh.”

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the FIR No.115 dated 13.06.2018 under Sections 341, 452, 323, 324, 506, 148 and 149 IPC registered at Police Station City Rupnagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.07.2018 (Annexure P-2).

November 16, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No