

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

CRM-M-35788 of 2018.

Decided on:- November 16, 2018.

Shivam Rattan.

.....Petitioner.

Versus

State of U.T., Chandigarh and another

.....Respondents.

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

Present:- Mr. Sartaj Singh Toor, Advocate
for the petitioner.

Ms. Ashima Mor, A.P.P., U.T., Chandigarh.

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.151 dated 09.08.2017 under Sections 279, 337 and 338 IPC registered at Police Station Maloya, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 31.07.2018 (Annexure P-3).

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 Judicial

Magistrate 1st Class, Chandigarh 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 15.10.2018 to the effect that the compromise has been entered into between the parties genuinely, voluntarily and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Kuldeep Singh. Though no one has put in appearance on behalf of respondent No.2, but no prejudice would be caused to him as he has already made a statement before learned Magistrate on 21.09.2018 in support of the compromise.

The statement of respondent No.2-complainant Kuldeep Singh made before learned Magistrate on 21.09.2018 reads as under:

“I have compromised the matter with accused Shivam Ratan with the intervention of the respectables. I have received the compensation of Rs.1 Lac 50 thousand on account of injuries received by my mother Smt. Ratan Kaur w/o Gurmail Singh. I have no objection. FIR No.151 dated 09.08.2017 under Section 279, 337 & 338 IPC, PS-Maloya, Chandigarh is quashed by the Hon’ble High Court. The compromise arrived between me and the accused is genuine, voluntary and without any coercion or undue influence.”

Similar statement has been made by injured Ratan Kaur, wherein she has stated that she has no objection in case the FIR in question is quashed.

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.151 dated 09.08.2017 under Sections 279, 337 and 338 IPC registered at Police Station Maloya, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 31.07.2018 (Annexure P-3).

November 16, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No