

270.

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

CRM-M-36685-2018

Date of decision:27.11.2018

SATBIR @ SHISHPAL AND OTHERS

... Petitioners

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Kaavya Jariyal, Advocate, for
Mr. Sandeep Kumar Yadav, Advocate, for the petitioners.

Mr. Ripu Daman, AAG, Haryana, for respondent No.1.

Ms. Bhavna Grewal, 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 F.I.R. No.113 dated 29.08.2016 registered under Sections 323, 452, 506, 325, 34 of IPC (Section 427 of IPC and Section 25 of Arms Act were deleted during investigation) at Police Station Satnali, District Mahendergarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 18.08.2018 (Annexures P-2 & P-3).

This Court vide order dated 27.08.2018 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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class,

Mahendergarh and got their statements recorded. On the basis of the

statements so recorded, learned Magistrate has submitted report dated 25.09.2018 to the effect that the compromise is genuine & valid and has been effected between the parties without any coercion or undue influence.

Respondent No.2-complainant, namely, Kailash has made his statement with regard to compromise before learned Magistrate on 17.09.2018 to the effect that he has compromised the matter with the accused with his own free will and without any pressure. As per the compromise, he has no objection in case the FIR in question is quashed.

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.

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.113 dated 29.08.2016 registered under Sections 323, 452, 506, 325, 34 of IPC (Section 427 of IPC and Section 25 of Arms Act were deleted during investigation) at Police Station Satnali, District Mahendergarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 18.08.2018 (Annexures P-2 & P-3).

(HARI PAL VERMA)
JUDGE

27.11.2018

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No