

244.

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

CRM-M-4021-2018

Date of decision:29.08.2018.

KULDIP @ KALU AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Vijay Rana, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

Respondent No.2 in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.133 dated 09.06.2011 registered under Sections 323/34 IPC at Police Station Shahkot, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.02.2017 (Annexure P-2).

This Court vide order dated 01.02.2018 had directed the parties to appear before the learned Area Magistrate 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, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 05.04.2018 to the effect that the compromise appears to be genuine and has been effected between the parties with free will, without any pressure or coercion.

Though no one is present on behalf of respondent No.2-complainant, however, the complainant is himself present in person, who has been identified by the counsel for the petitioners. He admits the factum of compromise entered into between the parties. Statement made by him before learned Magistrate on 12.03.2018 reads as under:-

“Stated that above said FIR was registered on the basis of my statement against Kuldip @ Kalu and Varinderjit Singh @ Billa. Now I have entered into compromise with the petitioner without any duress, coercion or any other pressure, to maintain the peace and harmony in the locality. This compromise has been arrived at with the intervention of respectables. I have no objection, if the said FIR is quashed.”

Learned State counsel has 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.133 dated 09.06.2011 registered under Sections 323/34 IPC at Police Station Shahkot, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.02.2017

(Annexure P-2). However, that would be subject to payment of costs of Rs.2,500/- to be deposited with the Kerala Chief Minister's Distress Relief Fund towards relief to the Kerala flood victims, for which, receipt would be produced in the Registry within 15 days from today.

(HARI PAL VERMA)
JUDGE

29.08.2018
sanjeev

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