

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-41246 of 2018 (O&M)

Date of Decision: 11.12.2018

Ashok Kumar & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- None for the petitioners.

Mr. R.S. Sidhu, AAG, 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.26 dated 21.01.2018 under Sections 452, 323, 148, 149 IPC and Section 325 IPC (added later on) registered at Police Station City Ferozepur, District Ferozepur and subsequent proceedings arising therefrom, on the basis of compromise dated 04.08.2018 (Annexure P-2) effected between the parties in the shape of affidavit of respondent no.2-complainant and her mother Sunita.

This Court vide order dated 19.09.2018 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their

statements recorded with regard to compromise so arrived and learned

Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Chief Judicial Magistrate, Ferozepur and got their statements recorded. Learned Magistrate has forwarded her report dated 17.11.2018 to the effect that the compromise is genuine and same has been effected voluntarily out of free will of the parties, without any pressure or undue influence.

No one has put in appearance on behalf of respondent no.2-complainant. However, the statement of the respondent no.2-complainant-Monu recorded before the Magistrate on 30.10.2018 reads as under:-

“Stated that the abovesaid FIR was got registered at my instance, against accused persons, namely, Ashok Kumar, Sagar Sharma, Vishal Kumar @ Bishu, Aman Kumar and Rajinder Kumar @ Sunny. We have sorted out all differences with each other and effected compromise in the present case with the intervention of the respectables of locality without any inducement, pressure, threat or coercion and the compromise deed which has been submitted in the Hon’ble High Court is genuine and voluntarily. Further, I have no objection, if as per the compromise, the proceeding in the above said FIR are quashed against all the petitioners/accused, named above. The compromise has been arrived at out of free will of the parties, and is without any threat or coercion of any kind. There are five persons arrayed as accused in FIR and no accused is proclaimed offender.”

Learned State counsel also does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.26 dated 21.01.2018 under Sections 452, 323, 148, 149 IPC and Section 325 IPC (added later on) registered at Police Station City Ferozepur, District Ferozepur and subsequent proceedings arising therefrom are quashed *qua* the petitioners on the basis of compromise dated 04.08.2018 (Annexure P-2) effected between the parties.

December 11, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`