

256.

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

CRM-M-41877-2018

Date of decision:17.12.2018

ASHISH KUMAR JINDAL AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepak Sharma, Advocate, for
Mr. Parveen Sharma, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr.A.D.S. Sukhija, 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.213 dated 11.12.2016 registered under Section 420/34 of IPC at Police Station Phase 1, S.A.S. Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.09.2018 (Annexure P-2).

This Court vide order dated 21.09.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the Illaqa Magistrate/trial Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.10.2018 to the effect that the compromise appears to be genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Rohit Bhayana has made his statement with regard to compromise before learned Magistrate on 09.10.2018. The same is reproduced as under:-

“The matter has been compromised between me and the accused. The compromise is genuine, without any coercion or threat. The written compromise dated 10-8-2018 is Ex.P1. I have no objection in case the FIR against the accused Ashish Kumar Jindal, Manoj Kadyan, Sampad Neogi and Sunil Mehendiratta 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.213 dated 11.12.2016 registered under Section 420/34 of IPC at Police Station Phase 1, S.A.S. Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.09.2018 (Annexure P-2), however, that would be subject to payment of

the Postgraduate Institute of Medical Education and Research (PGIMER),
Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

17.12.2018
sanjeev

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