

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

CRM-M-41166-2017 (O&M)

Date of decision: January 18, 2018

Ankit Kumar and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vishavjeet Singh, Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab
for respondent No.1-State.

None for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.173 dated 21.07.2017, under Section 379-B, 34 of Indian Penal Code, registered at Police Station Division No.7, District Ludhiana (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 26.09.2017 (Annexure P-2).

This Court vide order dated 02.11.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before the Additional District and Sessions Judge, Ludhiana and got their

statements recorded. On the basis of the statements so recorded, learned Judge has submitted report dated 13.12.2017 to the effect that the compromise effected between the parties is voluntarily, without any pressure or coercion from any side and genuine.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Manoj Kumar son of Puran Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 07.12.2017 which reads as under:-

“A compromise has been effected between me and the accused persons namely Ankit Kumar S/o Babu Ram, Raja Chandialia S/o Satvir Singh @ Satta and Harish Pathak S/o Laxman Pathak with our own free will and without any coercion or influence. I have no objection if the FIR No.173 dated 21.07.2017, u/s 379-B, 34 IPC, P.S. Div. No.7, Ludhiana is quashed against the above said accused person.”

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. and it will amount to abuse of the process of law.

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.173 dated 21.07.2017,

under Section 379-B, 34 of Indian Penal Code, registered at Police Station Division No.7, District Ludhiana (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 26.09.2017 (Annexure P-2).

January 18, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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