

261.

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

CRM-M-43352-2018

Date of decision:17.12.2018

HARJINDER SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Shukla, Advocate,
for the petitioner.

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

Mr.Lalit Sharma, 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.176 dated 30.08.2018 registered under Sections 279/337/338/427 of IPC at Police Station City Sunam, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.09.2018 (Annexure P-2).

This Court vide order dated 01.10.2018 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 Sub Divisional Judicial Magistrate, Sunam and got their statements

submitted report dated 17.11.2018 to the effect that the compromise is genuine and has been effected between the parties without any pressure, coercion and undue influence.

Respondent No.2-complainant, namely, Gurtej Singh Dhaliwal has made his statement with regard to compromise before learned Magistrate on 01.11.2018. The same is reproduced as under:-

“I have compromised with accused Harjinder Singh s/o Ajaib Singh r/o Namol Dist. Sangrur, with my free consent. The compromise is voluntarily with free consent and without any coercion or undue influence or fear.”

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.176 dated 30.08.2018 registered under Sections 279/337/338/427 of IPC at Police Station City Sunam, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 20.09.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

17.12.2018
sanjeev

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