

279.

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

CRM-M-44489-2018

Date of decision:30.11.2018

AJAY KUMAR

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Surinder Kaur, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Mr.Navneet Jindal, Advocate, for
Ms. Riffi Birla, 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.278 dated 02.10.2015 registered under Sections 379/34/506 of IPC (Section 379-B IPC added lateon) and Section 25 of Arms Act, 1959 at Police Station Nakodar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.09.2018 (Annexure P-2).

This Court vide order dated 06.10.2018 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 Additional District and Sessions Judge, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Additional Sessions Judge has submitted report dated 15.11.2018 to the effect that the compromise has been effected between the parties out of their free will, without any coercion or undue influence.

Respondent No.2-complainant, namely, Lovenish Jain has made his statement with regard to compromise before learned Additional Sessions Judge on 16.10.2018. The same is reproduced as under:-

“Stated that on the basis of my statement, the police has registered the FIR No.278 dated 02.10.2015 under Section 379-B, 506, 34 IPC and 25/54/59 Arms Act, PS Sadar Nakodar Jalandhar. Now I have compromised the matter with the accused Ajay Kumar. The said Ajay Kumar was not present at the spot nor he snatched my bag. The said compromise have been arrived with the intervention of respectables friends and relatives. I have no objection if the present FIR is quashed or cancelled or accused is acquitted. This compromise have been arrived with my free consent. Today I have brought the photocopy of my Aadhar Card which is Ex.P1. Original seen and return duly signed by me.”

Learned State counsel as well as learned counsel appearing on behalf of 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.278 dated 02.10.2015 registered under Sections 379/34/506 of IPC (Section 379-B IPC added lateon) and Section 25 of Arms Act, 1959 at Police Station Nakodar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.09.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.11.2018
sanjeev

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