

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258

CRM-M-45141-2018

Date of Decision:13.12.2018

Manpreet Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., 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.0003 dated 05.01.2018 under Section 325, 323, 34 IPC, registered at Police Station City Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise(Annexure P-2).

This Court vide order dated 11.10.2018 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, Malout and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 20.11.2018 to the effect that the compromise effected between the parties is without any threat, force and coercion.

Though, today no one is present on behalf of respondent No.2- Complainant, namely, Sukha Singh, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 13.11.2018. The same is reproduced as under:-

“Stated that the FIR No.03 dated 05.01.2018 u/s 323/325/34 IPC was registered in PS City Malout on my statement against Manpreet Kumar son of Chander Shekhar, Shekhar son of Sanpat Ram both resident of ward No.7, Dhingra Colony, Malout, Jadju alias Jajj son of Nachattar Singh resident of Hanuman Mandir Backside ward No.7, Mahavir Nagar, Malout, Sunil alias Jaggi aged about 21 years son of Mohinder Singh resident of St.no.2 Midda Depot Wali Gali, Dhanak Mohalla Malout. I have entered into compromise with the above stated persons without any coercion or undue influence that now I have no grudge against the above stated accused persons. Compromise has been effected on my freewill without any pressure or undue influence. I have no objection if the above said FIR is ordered to be quashed against the above stated person. There is no other criminal proceeding pending against me in any court or in police station. This compromise is in favour of both the parties. My ID proof is Mark-A duly signed by me.”

Learned State counsel has 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 FIR No.0003 dated 05.01.2018 under Section 325, 323, 34 IPC, registered at Police Station City Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise(Annexure P-2), subject to payment of costs of ₹5,000/- to be paid within 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. The petitioners shall produce a receipt with the Registry.

December 13, 2018

seema

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No