

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

CRM-M-44260-2017 (O&M)

Date of decision: January 15, 2018

L&T Finance Ltd.

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Veerinder Jit Singh, Advocate for
Mr. Puneet Sharma, Advocate
for the petitioner.

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

Mr. Ajay Singh Rawat, Advocate for
Mr. Shekhar Kumar, Advocate
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.26 dated 09.02.2016, under Section 306 of Indian Penal Code, registered at Police Station Division No.5, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.04.2017 (Annexure P-2).

This Court vide order dated 22.11.2017 had directed the parties to appear before the trial Court/Area Judicial Magistrate 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 learned Judicial Magistrate Ist Class, Jalandhar through the learned District and Sessions Judge, Jalandhar and got their statements recorded. On the

basis of the statements so recorded, learned Magistrate has submitted report dated 06.01.2018 to the effect that the compromise effected between the parties is genuine, voluntarily, without any pressure, coercion or undue influence from any quarter.

Respondent No.2-complainant, namely, Jyoti has made a statement with regard to compromise before learned Magistrate on 04.01.2018 which reads as under:-

“That an FIR No.26 dated 09.02.2016 under Section 306 IPC was lodged with the Police Station Divn. No.5 Jalandhar on the basis of complaint made by me against the accused L&T Finance Ltd. I have voluntarily arrived at compromise with the accused without any pressure, threat or coercion with my own will. My identity proof which is a photocopy of Adhar Card is Ex.C1 (original seen and returned). There is no dispute between me and the accused company now. I have no objection if the said FIR may kindly be 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. 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.26 dated 09.02.2016, under Section 306 of Indian Penal Code, registered at Police Station

Division No.5, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 28.04.2017 (Annexure P-2).

January 15, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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