

254.

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

CRM-M-49575-2017

Date of decision:24.08.2018.

SUNIL KUMAR @ SUNNY & ORS

... Petitioners

Versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vinod Kumar, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

Mr. Amit Shukla, Advocate, for
Mr. Parminder Singh, 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.178 dated 18.11.2017 registered under Sections 323/324/452/427/34 IPC (Section 326 IPC added lateron vide DDR No.30 dated 02.12.2017) at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.12.2017 (Annexure P-3).

This Court vide order dated 22.12.2017 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, the parties could not appear and again vide order dated 25.05.2018, parties were directed to appear before the Illaqa

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Mukerian and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.08.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Rohit Singh Minhas has made his statement with regard to compromise before learned Magistrate on 25.06.2018. The same is reproduced as under:-

“That with the intervention of the respectables of the area, I have entered into a compromise with the accused party without any pressure. Petition under Section 482 Cr.P.C. in the Hon'ble Punjab and Haryana High Court for quashing of case in FIR no.178 dated 18.11.2017 registered under section 323/324/452/427/34 (section 326 added later on vide DDR no.30 dated 2.12.2017) IPC at Police Station Mukerian, Distt. Hoshiarpur. I have effected the compromise voluntarily and without any pressure and as per compromise I have made this statement today in the Court voluntarily and without any pressure. I have no objection if case in FIR no.178 dated 18.11.2017 registered under section 323/324/452/427/34 (section 326 added later on vide DDR no.30 dated 2.12.2017) IPC at Police Station Mukerian, Distt. Hoshiarpur 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.

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.178 dated 18.11.2017 registered under Sections 323/324/452/427/34 IPC (Section 326 IPC added lateron vide DDR No.30 dated 02.12.2017) at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.12.2017 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

24.08.2018

seema/sanjeev

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