

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

279

CRM-M-1274-2019

Date of Decision:05.07.2019

Sanjay Kapoor @ Sanju and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Joginder Pal Devgan, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Karanvir Singh Sandhu, Advocate,
for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.75 dated 08.10.2018 under Sections 323, 324, 354, 148, 149 IPC, registered at Police Station Division-D, Amritsar, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.11.2018 (Annexure P-2).

This Court vide order dated 14.01.2019 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise. However, statement of the parties could not be recorded as they failed to appear before the learned Magistrate to get their statements recorded. Again vide order dated 09.04.2019, one more opportunity was

granted to the parties to get their statement recorded, in terms of the order

dated 14.01.2019 passed by this Court and learned Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report to the effect that the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence, being outcome of their free will and consent.

Respondent No.2-complainant, namely, Vishal alias Vishal Kakkar, has made a statement with regard to compromise before learned Magistrate on 26.04.2019. The same is reproduced as under:-

“Stated that the present FIR No.75 dated 08.10.2018 under Section 323, 324, 354, 148, 149 IPC was registered at Police Station D Division, District Amritsar against accused Sanjay Kapoor alias Sanju, Sunil Kapoor @ Sunil Bawa and Ashu Kapoor @ Ashu on the basis of my statement as well as statement of Babli. Now with the intervention of respectable persons, I have compromised the matter with the above named accused persons, out of my free will, without any coercion or undue influence. I produce self attested copy of my voter Card as my identity proof. I have no objection if the above said FIR may be quashed against above named accused persons on the basis of compromise by the Hon'ble High Court. ”

Apart from above, a similar statement has also been made by respondent No.3-Babli, whereby she has shown no objection to the present FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 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 FIR No.75 dated 08.10.2018 under Sections 323, 324, 354, 148, 149 IPC, registered at Police Station Division-D, Amritsar, District Amritsar(Annexure P-1) (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 25.11.2018 (Annexure P-2).

July 05, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No