

277.

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

CRM-M-4568-2019

Date of decision:13.05.2019

YOGESH SAINI

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Meenakshi Dhiman, Advocate,
for the petitioner.

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

Mr. Vaibhav Mittal, Advocate, for
Mr. Davinder 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.226 dated 06.11.2013 registered under Section 365 of IPC at Police Station Dera Bassi, District Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.01.2019 (Annexure P-2).

This Court vide order dated 31.01.2019 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, Dera Bassi and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.03.2019 to the effect that the compromise has been effected between the parties voluntarily, without any coercion or undue influence from any corner.

Respondent No.2-complainant, namely, Rajesh Narayan has made his statement with regard to compromise before learned Magistrate on 06.03.2019. The same is reproduced as under:-

“Stated that FIR No.226 dated 06.11.2013 under Section 365 IPC was registered against accused Yogesh Saini son of Kamal Saini, r/o Ward no.13 Near Jama Masjid Tehsil Dera Bassi District SAS Nagar. Now I have compromised the matter with the accused Yogesh Saini without any pressure and coercion. The compromise is genuine, voluntary and without any coercion or undue influence from any corner. The original compromise dated 21.01.2019 is already with the record of the Hon'ble High Court and I have no objection if the above said FIR is quashed. The photocopy of the compromise is Mark-A and photocopy of my Adhar card is Mark-C.”

Learned counsel for the petitioner states that apart from the fact that the matter has been compromised between the parties, the petitioner and daughter of the complainant are staying together as husband and wife and out of their wedlock, a male child has been born to them on 17.12.2014.

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.226 dated 06.11.2013 registered under Section 365 of IPC at Police Station Dera Bassi, District Mohali (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 21.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.05.2019
sanjeev

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