

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

271

CRM-M-6405-2019

Date of Decision:28.05.2019

Robin Sharma and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Sherry K. Singla, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab,
for respondent No.1.

None 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.105 dated 17.12.2018 under Sections 452, 323, 34 IPC (the offences under Sections 354, 354-B IPC have been added later on) , Police Station City-I, Malerkotla (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed (Annexure P-2).

This Court vide order dated 11.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial 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 1st Class, Malerkotla (Sangrur) and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.03.2019 to the effect that the compromise has been reached between the parties willfully and without any pressure. The compromise is genuine, voluntary and without any coercion or undue influence.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Pooja Rani as well as respondent No.3-injured Ashok Kumar, but no prejudice would be caused to them as they have already made joint statement with regard to compromise before learned Magistrate on 18.03.2019. The same is reproduced as under:-

“I have compromised the matter with the accused persons in case FIR No.105 dated 17.12.2018 under Sections 452, 323, 354, 354-B, 34 IPC, Police Station City-I, Malerkotla, District Sangrur without any pressure, coercion and with the intervention of respectable persons and the same is genuine one. The quashing petition may kindly be accepted and the above mentioned FIR and other consequential proceedings may kindly be quashed.”

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.105 dated 17.12.2018

IPC have been added later on), registered at Police Station City-I, Malerkotla (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise-deed (Annexure P-2).

May 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No