

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

269A

CRM-M-16173-2018

Date of Decision: 30.05.2019

Vijay Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Sunil Doda, Advocate,
for the petitioner.**

**Mr. Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.**

**Mr. S.S. Sidhu, 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 FIR No.191 dated 29.10.2017 under Section 306 IPC, registered at Police Station City-I Abohar, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 5.12.2017 (Annexure P-2).

This Court vide order dated 01.02.2019 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, Abohar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.04.2019 in connected petition CRM-M-14568-2018 to the effect that the parties have compromised the matter and the same is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Madan Lal, has made a statement with regard to compromise before the learned Magistrate on 12.03.2019. The same is reproduced as under:-

“Stated that the present case was registered against accused Puran Chand, Vishal Kumar, Billo and Vijay Kumar on my statement. Now with the intervention of respectable persons we have effected a compromise with accused persons as per compromise deed Ex.PX without any pressure, coercion or force and same is with our free will. Any of the accused has not been declared proclaimed offender by any court of law in the present FIR. So I have no objection if the quashing petition filed before Hon'ble Punjab & Haryana High Court by the accused persons is accepted.”

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***, as 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.191 dated 29.10.2017 under Section 306 IPC, registered at Police Station City-I Abohar, District

on the basis of compromise dated 05.12.2017 (Annexure P-2) are hereby quashed qua the petitioner, subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

May 30, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No