

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

288

CRM-M-12864-2019

Date of Decision:27.08.2019

Rahul Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Ms. Harpreet Kaur Arora, Advocate,
for the petitioners.**

**Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.**

None 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.0028 dated 06.03.2019 under Sections 363, 366-A, 34 IPC, registered at Police Station City-2, Mansa, District Mansa (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 09.03.2019 (Annexure P-2).

This Court vide order dated 20.03.2019 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. 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 23.05.2019, one more

opportunity was granted to the parties to get their statement recorded, in

terms of the order dated 20.03.2019 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, Mansa and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.04.2019 to the effect that the compromise seems to be genuine with free consent and without any pressure, undue influence, coercion of fear.

Though no one is present on behalf of respondent No.2-complainant-Gurtej Singh in Court today, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 10.04.2019. The same is reproduced as under:-

“Stated that I am complainant of the case FIR No.28 dated 06.03.2019 under section 363/366-A/34 IPC, PS City-2, Mansa. I do not want any action against accused persons in the present case due to compromise. Compromise has been effected by me with my free consent without any pressure, undue influence, coercion or fear upon me. I have no objection if the FIR No.28 dated 06.03.2019 under section 363/366-A/34 IPC PS City 2 Mansa is quashed on the basis of compromise.”

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)***

under Sections 363, 366-A, 34 IPC, registered at Police Station City-2, Mansa, District Mansa (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise-deed dated 09.03.2019 (Annexure P-2).

August 27, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No