

287.

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

CRM-M-13916-2019

Date of decision:04.07.2019

KANWAL SINGH YADAV

... Petitioner

versus

STATE OF HARYANA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jagjit Gill, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana,
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 F.I.R. No.0173 dated 02.09.2015 registered under Sections 354, 506 of IPC at Police Station Nathu Sarai Chopta, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 16.03.2019 (Annexures P-2 & P-3).

This Court vide order dated 27.03.2019 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.

Pursuant to the aforesaid order, parties have appeared before learned Additional Chief Judicial Magistrate, Sirsa and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 03.05.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat, coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Monu but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 01.05.2019. The same is reproduced as under:-

“Compromise has been effected with accused Kawal Singh Yadav in the present case. Compromise has been effected voluntarily and without any coercion or undue influence. Compromise is genuine. I have no objection in quashing of FIR in question.”

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 F.I.R. No.0173 dated 02.09.2015 registered under Sections 354, 506 of IPC at Police Station Nathu Sarai Chopta, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 16.03.2019 (Annexures P-2 & P-3), however,

that would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients’ Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

04.07.2019
sanjeev

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