

257.

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

CRM-M-27063-2016

Date of decision:23.05.2019

ABDUL RASHID @ BABLU AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vinod Kumar, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, 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 F.I.R. No.71 dated 19.05.2015 registered under Sections 363/366-A of IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.08.2015 (Annexure P-4).

This Court vide order dated 26.02.2019 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, Mukerian and got their

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

Magistrate has submitted report dated 29.04.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Shahdin but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 02.04.2019. The same is reproduced as under:-

“That with the intervention of the respectables of the area, I have entered into a compromise dt. 19.08.2015 (Annexure P-4) with the accused party, which is genuine compromise and effected voluntarily, without any coercion or undue influence in order to establish peace and harmony with the intervention of respectables. Petition under Section 482 Cr.P.C. was filed by accused party which is pending in the Hon'ble Punjab and Haryana High Court for quashing of FIR No.71 dt. 19.05.2015 u/s 363/366A IPC registered at P.S. Mukerian. There are 5 persons arrayed as accused in this FIR. No any accused is declared as proclaimed offender in this case. I have effected the compromise only with the accused voluntarily and without any pressure. The compromise effected between us is genuine. I have made this statement today in the Court voluntarily and without any coercion or undue influence. I have no objection if the FIR No.71 dt. 19.05.2015 u/s 363/366A IPC registered at P.S. Mukerian be quashed against accused.”

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.71 dated 19.05.2015 registered under Sections 363/ 366-A of IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 19.08.2015 (Annexure P-4), however, that would be subject to payment of costs of Rs.10,000/- 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

23.05.2019
sanjeev

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