

**275/A. IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38761-2018

Date of Decision:25.02.2019

MANU SHARMA AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Karan Pathak, Advocate
for the petitioners.

Mr.Rana Harjasdeep Singh, 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 FIR No.257 dated 31.10.2015 under Sections 323, 506, 452, 148 and 149 of IPC registered at Police Station Zirakpur, District S.A.S Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.08.2018 (Annexure P-2).

This Court vide order dated 06.09.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Judicial Magistrate Ist Class, Dera Bassi and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.01.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any undue pressure or threat from anyone.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Raman Kumar, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 24.09.2018. The same is reproduced as under:-

“Stated that one FIR No.257 dated 31.10.2015 U/S 323, 506, 452, 148, 149 IPC P.S. Zirakpur was lodged by me against the accused Manu Sharma, Yogesh Sharma and Atul Kaushal. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the accused persons with their free will and without any pressure or undue influence, coercion, inducement, threat or promise. The original of compromise is lying before the Hon'ble High Court. I have also heard the statement of the accused persons and admit the same to be true and correct. Therefore, I have no objection if the FIR No.257 dated 31.10.2015 U/S 323, 506, 452, 148, 149 IPC P.S. Zirakpur is quashed by the Hon'ble High Court. We undertake to remain bound by our statements recorded before the Court. Photocopy of Adhar Card is annexed as MARK 4 for the kind perusal”

Learned State counsel, on instructions from HC Sukhdev Singh, states that in the aforesaid case, the police has already prepared an untraced report which is likely to be submitted before the trial Court.

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.257 dated 31.10.2015 under Sections 323, 506, 452, 148 and 149 of IPC registered at Police Station Zirakpur, District S.A.S Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 23.08.2018 (Annexure P-2), 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.

February 25, 2019

Jyoti-IV

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned Yes/No Whether Reportable Yes/No