

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

CRM-M-38904-2018

Date of Decision:25.02.2019

RAMAN KUMAR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

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

Mr. Karan Pathak, 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 cross case registered vide GD No.29 dated 01.11.2015, under Sections 354/506/148/149 of IPC in FIR No.257 dated 31.10.2015 under Sections 323, 506, 452, 148, 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 07.09.2018 had directed the parties to appear before the 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 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.

Respondent No.2-complainant, namely, Manu Sharma has already made her statement with regard to compromise before learned Magistrate on 24.09.2018. The same is reproduced as under:-

“Stated that one impugned case under Section 354, 506, 148, 149 of IPC vide GD No.29 dated 01.11.2015, Police Station Zirakpur, District S.A.S. Nagar, registered as a cross case in the FIR No.257 dated 31.10.2015 U/S 323, 506, 452, 148, 149 IPC P.S. Zirakpur was lodged by me against Raman Kumar. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the accused with his 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 and admit the same to be true and correct. I have no objection if the present case under Section 354, 506, 148, 149 of IPC vide GD No.29 dated 01.11.2015, Police Station Zirakpur, District S.A.S. Nagar registered as a cross case in 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 Election Card is annexed as MARK 4/1 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 case.

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 cross case registered vide GD No.29 dated 01.11.2015, under Sections 354/506/148/149 of IPC in FIR No.257 dated 31.10.2015 under Sections 323, 506, 452, 148, 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 petitioner on the basis of compromise dated 23.08.2018 (Annexure P-2), 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.

February 25, 2019

Jyoti-IV

(HARI PAL VERMA)
JUDGE

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