

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-19353-2019 (O&M)

Date of Decision:20.08.2019

Harpreet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Samrit Gill, Advocate for
Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. G.S. Rawat, 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 FIR No.6 dated 15.01.2016 under Sections 323, 324, 148, 149 IPC, registered at Police Station Navi Baradari, Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 17.04.2018 (Annexure P-2).

This Court vide order dated 30.04.2019 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned trial court 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. Again vide order dated

27.05.2019, one more opportunity was granted to the parties to get their statement recorded, in terms of the order dated 30.04.2019 passed by this Court and the learned Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, (NRI Court), Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.06.2019 to the effect that the compromise appears to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Sunny Kumar, has made a statement with regard to compromise before learned Magistrate on 03.06.2019. The same is reproduced as under:-

“Stated that I have effected a compromise with the accused. I have no objection if the FIR and subsequent proceedings are quashed on the basis of compromise. Compromise has been effected voluntarily without any pressure, coercion, undue influence and with my free will. Compromise was also reduced into writing and the original of the same has been placed on the file of cross case titled as State Vs. Sunny Kumar bearing FIR No.06 dated 15.01.2016. I have brought my original adhar card today in the court, copy of which is Ex.P1.”

Learned State counsel as well as learned counsel for respondent No.2 have 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***

Supreme Court in *Gian Singh Versus State of Punjab and others (2012)* **10 SCC 303**, this petition is allowed and FIR No.6 dated 15.01.2016 under Sections 323, 324, 148, 149 IPC, registered at Police Station Navi Baradari, Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 17.04.2018 (Annexure P-2).

August 20, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No