

275.

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

CRM-M-19203-2019

Date of decision: 16.08.2019

HARJINDER KUMAR @ HONEY AND ANOTHER ... Petitioners

versus

STATE OF U.T.CHANDIGARH AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Inspector Bhim Singh.

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.396 dated 14.09.2017 registered under Sections 354/354-D, 506 of IPC at Police Station Sector 39, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.04.2019 (Annexure P-2).

This Court vide order dated 30.04.2019 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 Judicial Magistrate Ist Class, Chandigarh and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.05.2019 to the effect that the compromise is genuine and has been effected between the parties with their free will, without any threat, coercion or undue influence from any corner.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Arshita Davis but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 23.05.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with both the accused persons out of our free will and without any coercion or pressure. The compromise arrived between us is genuine. I have no objection if the present case is disposed of as per the compromise.”

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.396 dated 14.09.2017 registered under Sections 354/354-D, 506 of IPC at Police Station Sector 39, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom qua the petitioners on the basis of compromise dated 12.04.2019 (Annexure P-2), however, that would be subject to payment of costs of

Postgraduate Institute of Medical Education and Research (PGIMER),
Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

16.08.2019
sanjeev

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