

286.

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

CRM-M-42962-2018

Date of decision: 14.01.2019

SOHAN LAL

...Petitioner.

Versus

STATE OF HARYANA AND ANR.

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. S.K. Yadav, Advocate, for
Mr. Bhupender Singh Ghangas, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana,
for respondent No.1.

Mr. Sarvesh Kumar Gupta, Advocate, for
Mr. Ravi Malik, 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 F.I.R. No.217 dated 08.08.2018 registered under Sections 354, 452, 506 IPC at Police Station Chandimandir, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.09.2018 (Annexure P-2).

This Court vide order dated 28.09.2018 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 Additional Chief Judicial Magistrate, Panchkula and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.10.2018 to the effect that the compromise effected between the parties is genuine and valid, as it is not the result of any threat, coercion or undue pressure in any manner.

Respondent No.2-complainant, namely, Saroj Devi has made her statement with regard to compromise before learned Magistrate on 26.10.2018. The same is reproduced as under:-

“Stated that I have compromised the matter in dispute regarding FIR No.217 dated 08.08.2018 under sections 354, 452, 506 of IPC registered at PS Chandimandir, Panchkula with the accused namely Sohan Lal. The matter was amicably settled between us as per affidavit dated 20.09.2018. The written affidavit Ex.C1 is the true copy of the affidavit dated 20.09.2018, the original of which is placed before the Hon’ble Punjab and Haryana High Court in Criminal Misc. No.CRM-M-42962-2018. The same is genuine, voluntarily and has been entered into by us with our free will and without any undue influence from any side. The affidavit of Saroj Devi in this regard is Ex.C2 and the copy of her Adhar Card is Ex.C3. It is further stated that no criminal case is pending against me and I have never been convicted or declared as proclaimed person or proclaimed offender by any competent court of law. It is further stated that no other litigation is pending between me and the accused person except the present case. There is only one accused in the present case, who is Sohan Lal and there is no other aggrieved in the present case. In view of the compromise (Ex.C1), it is requested that the aforesaid FIR may kindly be quashed as the matter has been compromised between us with our free will.”

Learned State counsel as well as learned counsel appearing on behalf of 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 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.217 dated 08.08.2018 registered under Sections 354, 452, 506 IPC at Police Station Chandimandir, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 20.09.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

14.01.2019
sanjeev

Whether speaking/reasoned Yes/No.
Whether Reportable: Yes/No.