

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

CRM-M-20631 of 2019.

Decided on:- December 04, 2019.

Sunny Kumar.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. G.S. Rawat, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

Mr. Sandeep Arora, 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-version under Sections 354-A and 506 IPC (Annexure P-2) recorded in FIR No.6 dated 15.01.2016 under Sections 323, 324, 148 and 149 IPC registered at Police Station Navi Baradari, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.04.2018 (Annexure P-3).

This Court vide order dated 06.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner and respondent No.2-complainant have appeared before learned Chief Judicial Magistrate (NRI Court), Jalandhar and got their statements recorded in support of the compromise on 03.06.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 03.12.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Ramanjeet Kaur. She has already made a statement in support of compromise before learned Magistrate on 03.06.2019, which reads 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 is Ex.P1. I have brought my original adhar card today in the court, copy of which is Ex.P2.”

Learned State counsel and learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Thus, 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***, the present petition is allowed and the cross-version under Sections 354-A and 506 IPC (Annexure P-2) recorded in FIR No.6 dated 15.01.2016 under Sections 323, 324, 148 and 149 IPC registered at Police Station Navi Baradari, Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 17.04.2018 (Annexure P-3), however, subject to payment of costs of Rs.5,000/- to the Bar Association of this Court, which shall be paid by the petitioner within a period of one month from today.

December 04, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No