

278.

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

CRM-M-50869-2018

Date of decision: 21.01.2019

VIPUL KHURANA

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajesh Bhateja, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Mr. Sandeep Sharma, 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.05 dated 21.06.2018 registered under Sections 323, 313, 342, 506 IPC at Police Station Dhakoli, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.07.2018 (Annexure P-2).

This Court vide order dated 19.11.2018 had directed the parties to appear before the Illaqa 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 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 02.01.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure and undue influence.

Respondent No.2-complainant, namely, Gurpreet Kaur has made her statement with regard to compromise before learned Magistrate on 18.12.2018. The same is reproduced as under:-

“Stated that FIR No.05 dated 21.06.2018, U/s 323/313/342/506 of IPC, P.S. Dhakoli was lodged by me against accused Vipul Khurana aged 31 years S/o Late Sh. Narinder Khurana, R/o Flat No.414 Chinar Hights, Peer Muchalla, Zirakpur, District SAS Nagar, Mohali. Now, with the intervention of the respectables, I have voluntarily entered into compromise dated 05.07.2018 with the above said accused out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. The original compromise affidavit is placed before Police Station, Dhakoli. As per compromise, I have no objection if the above said FIR is quashed by the Hon'ble Punjab and Haryana High Court against the accused namely Vipul Khurana. The self attested photocopy of the Aadhar Card is Mark-A.”

Learned counsel for the petitioner states that the matter has been compromised between the parties and the petitioner and respondent No.2 are residing as husband and wife.

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

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.05 dated 21.06.2018 registered under Sections 323, 313, 342, 506 IPC at Police Station Dhakoli, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 05.07.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

21.01.2019
sanjeev

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