

269.

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

CRM-M-52894-2018

Date of decision: 04.11.2019

PARDEEP KUMAR AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.185 dated 12.10.2016 registered under Sections 354-A, 354-D, 506, 34 of IPC at Police Station City Moga, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.10.2018 (Annexure P-2).

This Court vide order dated 22.07.2019 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 Chief Judicial Magistrate, Moga and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.09.2019 to the effect that the compromise is genuine and has

been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Alka but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 22.08.2019. The same is reproduced as under:-

“I have entered into the compromise with accused Pardeep Kumar and Rajan Kumar alias Gullu of FIR No.185 dated 12.10.2016 registered under Sections 354-A, 354-D, 506, 34 IPC at P.S. City, Moga with the intervention of respectable of the society. I have no objection, if the abovesaid FIR is quashed. I have entered into the compromise to avoid further litigation and for the peace of mind. I do not want to pursue the present FIR against the accused. I am giving this statement without any pressure, undue influence and coercion and the compromise so entered between me and accused was with my free will and consent, without any force, undue influence and coercion etc. from any quarter. The said compromise is genuine, voluntarily and without any pressure or undue influence entered into by me with the accused. I have never been declared proclaimed offender by this court in any FIR.”

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.185 dated 12.10.2016 registered under Sections 354-A, 354-D, 506, 34 of IPC at Police Station City Moga, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 23.10.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Government Medical College and Hospital, Sector 32, Chandigarh, within one month from today. The Superintendent concerned shall ensure that the amount so deposited by the petitioners is utilized for the welfare of poor patients only.

(HARI PAL VERMA)
JUDGE

04.11.2019
sanjeev

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