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

CRM-M-5840-2018

Date of decision:15.01.2019.

SURENDER KUMAR AND ANR.

... Petitioners

versus

STATE OF HARYANA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vikas Gupta, Advocate,
for the petitioners.

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

Mr. Vikasdeep Singh, Advocate, for
Mr. Minkle Thatai, 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.308 dated 07.10.2017 registered under Sections 312, 313, 315, 419, 420, 336, 34 IPC & Section 15(2)(b) of Indian Medical Council Act, at Police Station Sadar Tohana, District Fatehabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 21.10.2017 (Annexure P-2).

This Court vide order dated 12.02.2018 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 Sessions Judge, Fatehabad and got their statements recorded. On the basis of the statements so recorded, learned Additional Sessions Judge has submitted report dated 06.03.2018 to the effect that the compromise has been arrived at between the parties of their own will, voluntarily and without any pressure.

Respondent No.2-complainant, namely, Kusum has made her statement with regard to compromise before the learned Additional Sessions Judge on 06.03.2018 to the effect that with the intervention of panchayat, she has compromised the matter with the petitioners-Surender and Pooja at her own will and without any pressure. Now she has no differences with the petitioners and does not want any further proceedings.

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.308 dated 07.10.2017 registered under Sections 312, 313, 315, 419, 420, 336, 34 IPC & Section 15(2)(b) of Indian Medical Council Act, at Police Station Sadar Tohana, District Fatehabad (Annexure P-1) and all subsequent proceedings

compromise/affidavit dated 21.10.2017 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

15.01.2019
sanjeev

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