

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

289

CRM-M-6297-2018

Date of Decision:20.05.2019

Vishal @ Fauji and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.238 dated 21.10.2016 under Sections 313, 452, 323, 148, 149 IPC, registered at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of affidavit dated 10.01.2018 (Annexure P-2).

This Court vide order dated 15.02.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise, however, parties could not appear. Again vide orders dated 04.12.2018 and 22.01.2019, parties were directed to get their statements recorded in terms of the compromise dated 10.01.2018.

Pursuant to the aforesaid order, parties have appeared before

learned Chief Judicial Magistrate, Ferozepur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.03.2019 to the effect that the compromise entered into between the parties is genuine, voluntary and without any inducement, threat of pressure.

Though, today none has put in appearance on behalf of respondent No.2-complainant, but no prejudice would be caused as she has made a statement with regard to compromise before learned Magistrate on 25.02.2019. The same is reproduced as under:-

“Stated that I have effected compromise with petitioners/accused Vishal @ Fauji son of Shami Gill, resident of Bharat Nagar, Ferozepur City, Sajjan @ Danish Bhatti son of Darshan, resident of Basti Bhattian Wali, Ferozepur City, Akram son of Vinod Kumar, resident of Basti Bhattian Wali, Ferozepur City through his father Vinod Kumar @ Dhanna and Vinod Kumar @ Dhanna son of Khushi Ram, resident of Basti Bhattian Wali, Ferozepur City, in case FIR No.238 dated 21.10.2016, under Sections 313/452/323/148/149 IPC, PS City, Ferozepur, voluntarily with the intervention of respectables of locality without any inducement, threat or pressure. No PO proceedings are pending against me or any other accused in any court.”

Learned State counsel has 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 FIR No.238 dated 21.10.2016 under Sections 313, 452, 323, 148, 149 IPC, registered at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of affidavit dated 10.01.2018 (Annexure P-2).

May 20, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No