

277.

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

CRM-M-31202-2019

Date of decision: 04.11.2019

ASHOK KUMAR

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

SI Paramjit Singh.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.96 dated 02.07.2019 registered under Sections 354, 506 of IPC at Police Station Dasuya, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.07.2019 (Annexure P-2).

This Court vide order dated 23.07.2019 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 Sub Divisional Judicial Magistrate, Dasuya and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.09.2019 to the effect that the compromise has

been effected between the parties voluntarily, without any pressure and coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Ashpal Kalon but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 19.09.2019. The same is reproduced as under:-

“Stated that I am complainant in this case and I have effected the compromise with the accused in the presence of the respectable of the locality. Now I have no grudge or grievances against the accused. I have effected the compromise voluntarily, without any pressure, coercion and undue influence and same is genuine. I have no objection if the instant FIR be quashed against accused. It is further submitted the present FIR was registered only against accused Ashok Kumar and accused is on bail and appearing in the court and no accused has been declared P.O.”

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.96 dated 02.07.2019 registered under Sections 354, 506 of IPC at Police Station Dasuya, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated

09.07.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Government Medical College and Hospital, Sector 32, Chandigarh, within one month from today. The Medical Superintendent shall ensure that the amount so deposited by the petitioner 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