

247.

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

CRM-M-55863-2018

Date of decision: 09.05.2019

GAUTAM ARORA

... Petitioner

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vinay Kumar, Advocate,
for the petitioner.

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

Mr. Varinder Basa, Advocate,
for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.46 dated 16.04.2017 registered under Sections 363, 366 of IPC at Police Station City Batala, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.12.2017 (Annexure P-3).

Power of attorney filed on behalf of respondents No.2 & 3 in court today, is taken on record.

This Court vide order dated 30.01.2019 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, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 25.03.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Sahil has made his statement with regard to compromise before learned Magistrate on 25.02.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with the accused namely Gautam Arora s/o Pawan Arora r/o Dharampura Colony, Batala and Gautam Arora have filed petition under Section 482 Cr.P.C. for quashing the FIR bearing no.46 dated 16.04.2017 under section-363, 366 IPC at PS City, Batala vide CRM-M-55863 of 2018 pending in the Hon'ble Punjab & Haryana High Court, Chandigarh for 09.05.2019. I have given my statement with my free will and without any coercion and any pressure. Copy of my Adhaar card is Ex.C1. Further, compromise effected between me and accused Gautam Arora is without any fear coercion and undue influence and is not having any adverse effect on the rights of any third party. ”

Apart from above, a similar statement has been made by respondent No.3-Mehak Padam whereby she has stated that she has compromised the matter with the accused voluntarily and without any fear, coercion and undue influence.

Learned State counsel states that the petitioner and respondent

No.3 are staying together.

Learned counsel for respondents No.2 & 3 does not dispute 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.46 dated 16.04.2017 registered under Sections 363, 366 of IPC at Police Station City Batala, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 01.12.2017 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

09.05.2019
sanjeev

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