

244.

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

CRM-M-28650-2020

Date of decision: 22.12.2020

SAHIL MEHRA AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sukhwinder Singh Kamboj, Advocate,
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab,
for respondent No.1.

None for respondents No.2 & 3.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.83 dated 22.05.2020 registered under Sections 363, 366, 34 of IPC at Police Station Urban Estate Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.07.2020 (Annexure P-2).

This Court vide order dated 18.09.2020 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 Additional Chief Judicial Magistrate, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.11.2020 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, Aarti Thakur as well as respondent No.3-Harshita @ Vaishnavy but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 17.11.2020. The same is reproduced as under:-

“Stated that we have compromised the matter with the accused Sahil Mehra and Gagandeep Kaur in respect of FIR No. 83 dated 22.05.2020 under Sections 363, 366, 34 IPC, P.S. Urban Estate, Patiala. The compromise is voluntarily, without any coercion, threat or undue influence. The compromise between us will lead to maintenance of peace and harmony between us and will improve our relations amongst each other. Our compromise is genuine compromise. There are only two accused in the present FIR and they have not declared as proclaimed offender. No other criminal proceedings are pending between the parties, except the present FIR. We request that above said FIR may kindly be quashed, being compromised. We tender our self attested copies of Adhar Cards Ex. P1 and Ex. P2.”

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 F.I.R. No.83 dated 22.05.2020 registered under Sections 363, 366, 34 of IPC at Police Station Urban Estate Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.07.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

22.12.2020
sanjeev

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