

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

CRM-M-36786 of 2019.

Decided on:- January 14, 2020.

Farmaan Ali.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Aditya Pratap Singh, Advocate
for the petitioner.

Mr. Hittan Nehra, D.A.G., Punjab.

Mr. Ashutosh, 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 FIR No.23 dated 01.07.2019 under Sections 363 and 366-A IPC registered at Police Station Kabirpur (Ahalikalan), District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.08.2019 (Annexure P-2).

This Court vide order dated September 02, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Sultanpur Lodhi and got their statements

recorded on 16.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.11.2019 to the effect that the parties have effected compromise which is genuine, voluntary, without any threat, pressure, coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Laldeen. He has already made a statement before learned Magistrate in support of compromise on 16.11.2019, which reads as under:

“Stated that, I have compromised the matter with petitioner/accused Farmaan Ali aged 24 years son of Sh. Rahin, resident of village Jandiala, District Amritsar voluntarily without any pressure, threat, undue influence or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. I have no objection, if the present FIR against petitioners/accused be quashed.”

Learned counsel for respondent No.2-complainant does not dispute the factum of compromise between the parties.

Learned State counsel has also not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Thus, 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, the present petition is allowed and the FIR No.23 dated 01.07.2019 under Sections 363 and 366-A IPC registered at Police Station Kabirpur (Ahalikalan), District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 03.08.2019 (Annexure P-2).

January 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No