

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

CRM-M-40209-2019

Date of decision : 16.01.2020

Jagan Nath Banyal

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Avtar Singh Khinda, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. D.S. Nigha, Advocate for
Mr. Harjinder Singh, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J (ORAL)

The instant petition is for quashing of FIR No.245 dated 06.12.2017, under Section 354 of IPC, registered at Police Station City Kharar, District SAS Nagar and the consequential proceedings arising out of the same, on the basis of compromise deed dated 11.09.2019 (Annexure P-3) arrived at, between the parties.

Vide order dated 19.09.2019 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 21.10.2019 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from the learned SDJM, Kharar, in pursuance to the direction of this Court. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will. The trial Court has annexed the photocopies of the statements of the parties alongwith its report.

Learned State counsel also submits that there are no other accused other than the petitioner and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned SDJM, Kharar and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

16.01.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No