

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRM-M-41611-2019

Date of Decision:27.02.2020

Sunil kumar @ Kaka

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

**Present: Mr. R.P. Daaria, Advocate for
Mr. Vipul Babuta, Advocate,
for the petitioner.**

Mr. Hittan Nehra, Addl. AG, Punjab.

**Mr. Anil Kumar Sharma, Advocate,
for respondent Nos.2 and 3.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0219 dated 08.05.2018 under Sections 363, 366 IPC, registered at Police Station Salem Tabri, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 07.09.2019 (Annexure P-2).

This Court vide order dated 26.09.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Sessions Judge, Ludhiana and got their statements

recorded. On the basis of the statements so recorded, learned ASJ has submitted report dated 27.11.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion and undue influence.

Respondent No.3-prosecutrix has made a statement with regard to compromise before learned ASJ, Ludhiana on 21.11.2019. The same is reproduced as under:-

“Stated that I have brought my original aadhar card today in the Court, self attested copy of which is Mark Y. I have effected compromise with the accused as per compromise dated 7.9.2019 which has already been placed in the quashing petition filed before Hon'ble High Court as Annexure-P2. I have no objection if the FIR No. 219, dated 8.5.2018, under Section 363, 366 IPC, registered at P.S. Salem Tabri, Ludhiana, and subsequent proceedings are quashed by the Hon'ble High Court. The compromise has been effected voluntary, without any coercion, force or undue influence.”

Apart from above, a similar statement has also been made by respondent No.2-complainant-Gurmail Singh, whereby he has shown no objection to the present FIR being quashed.

Learned counsel for the petitioner states that the parties have compromised the matter and the petitioner and prosecutrix are residing together as husband and wife.

Learned State counsel as well as learned counsel for respondent Nos. 2 and 3 have 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.

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*, as 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 FIR No.0219 dated 08.05.2018 under Sections 363, 366 IPC, registered at Police Station Salem Tabri, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 07.09.2019(Annexure P-2).

February 27, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No