

221.

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

CRM-M-30451-2020

Date of decision: 02.03.2021.

VIPUL AHUJA AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sunil Doda, Advocate,
for the petitioners.

Mr. Sarabjit Singh Cheema, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

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.424 dated 14.12.2017 under Sections 323, 341, 506 of IPC, registered at Police Station Zirakpur, District S.A.S. Nagar (Mohali) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.09.2020 (Annexure P-2).

This Court vide order dated 30.09.2020 had directed the parties to appear before the Illaqa Magistrate/Duty 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 Judicial Magistrate Ist Class, Dera Bassi and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.10.2020 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, Rakesh Kumar but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 12.10.2020. The same is reproduced as under:-

“Stated that I have lodged the FIR no.424 Dated 14.12.2017 under Sections 323, 341, 506 IPC, PS Zirakpur against the accused persons namely Vipul Ahuja and Gaurav Baghla @ Gora. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the accused persons namely Vipul Ahuja and Gaurav Baghla @ Gora out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. I have no objection if the FIR is quashed by the Hon'ble Punjab and Haryana High Court. There is no proclaimed offender in the present case and I am the only affected person in the present FIR. Copy of my Aadhar Card is enclosed as Mark P1 and copy of compromise deed submitted before Hon'ble High Court is Ex.Cx.”

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.424 dated 14.12.2017 under Sections 323, 341, 506 of IPC, registered at Police Station Zirakpur, District S.A.S. Nagar (Mohali) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 01.09.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.03.2021
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No