IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

229

CRM-M-37656-2021
Decided on : 06.12.2021

Major Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Harinder Pal Singh Ishar, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

None for respondent No.2.

(Through Video Conferencing)

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VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 47 dated 14.08.2017 registered under Sections 304-A and 279 of the Indian Penal Code, 1860 at Police Station Purana Shalla, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 24.08.2021 (Annexure P-2).

Learned counsel for the petitioner has submitted that in the present case, the matter has been compromised and as per the report submitted by Chief Judicial Magistrate, Gurdaspur, the statement of respondent No. 2 was also recorded and as per her statement, it has been stated that the matter has been compromised without any coercion or undue influence and is voluntary and genuine and has stated that she has no objection in case the present FIR is quashed.

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Learned State counsel, on the other hand, has submitted that even in case, the compromise has been effected but quashing of FIR on the basis of compromise under Section 304-A and 279 IPC is not permissible in view of the Division Bench Judgment of this Court in ***CRM-M-40769-2014*** titled as ***Baldev Singh Vs. State of Punjab and another***.

In view of the above, learned counsel for the petitioner has submitted that the petitioner may be permitted to withdraw the present petition. However, learned counsel for the petitioner has prayed that the petitioner be permitted to raise the plea with respect to the compromise before the trial Court and the trial Court be directed to consider the said plea.

Keeping in view the abovesaid facts and circumstances, the present petition stands dismissed as withdrawn with liberty to the petitioner to place on record the compromise effected before the trial Court and the trial Court while passing the final order shall take into consideration the said compromise in accordance with law.

(VIKAS BAHL)
JUDGE

6th December, 2021
Mehak

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

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