

224.

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

CRM-M-39669-2020

Date of decision: 16.03.2021

AMIT THAPAR

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab,
for respondent No.1.

Mr. Davinder Singh, 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 F.I.R. No.0246 dated 23.10.2020 registered under Section 3 of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323, 506 of IPC at Police Station Moti Nagar, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.11.2020 (Annexure P-2).

This Court vide order dated 01.12.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.01.2021 to the effect that the compromise has been effected between the parties voluntarily and without any pressure.

Respondent No.2-complainant, namely, Sanjeev Kumar has made his statement with regard to compromise before learned Magistrate on 19.01.2021. The same is reproduced as under:-

“Stated that on my statement FIR no.246 dated 21.10.2020 under Section-3, SC & ST Act & 323/506 of IPC, P.S. Moti Nagar, Ludhiana against Amit Thapar only. Thereafter, compromise has been effected between me and accused Amit Thapar dated 19.11.2020. The compromise is Ex.PA. I identify my signatures on this compromise Ex.PA. I have seen the original compromise in the court and Ex.PA is the correct photocopy of the original compromise. I have entered into the compromise without any undue pressure, coercion or any undue influence. I have no objection, if the quashing petition CRM-M-39669-2020 is allowed and FIR no.246 dated 21.10.2020 under Section-3, SC & ST Act & 323/506 of IPC, P.S. Moti Nagar, Ludhiana is quashed by the Hon'ble Punjab & Haryana High Court. In the FIR as well as in the compromise, inadvertently, my house number has been written as 623, New Balmiki Nagar, Chouni Mohalla, Ludhiana infact the House Number is 630. I am placing on record copy of my aadhar card in this regard as Ex.PB.”

No one is present on behalf of the petitioner.

Learned State counsel as well as learned counsel for respondent

No.2 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.

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.0246 dated 23.10.2020 registered under Section 3 of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323, 506 of IPC at Police Station Moti Nagar, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 19.11.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

16.03.2021
sanjeev

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