

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

CRM-M No.223 of 2023
Date of decision: 21st July, 2023

Gursahib Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

Mr. Vinay K. Gupta, Asst. Advocate General, Punjab
for the respondent/State.

Mr. Brahmeet Singh, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing FIR No.256 dated 31.10.2022 (Annexure P-1) under Sections 279, 337, 338, 427 IPC registered at Police Station Dharamkot, District Moga along with all consequential proceedings arising therefrom on the basis of compromise dated 06.12.2022 (Annexure P-2) effected between the parties.

2. Vide order dated 06.01.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 18.01.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate, 1st Class, Moga, in pursuance of the direction of this Court,

wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. 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 and the complainant has also made statement to the effect that he would have no objection if the FIR qua the accused-petitioner is quashed.

4. The trial Court has annexed the statements of the parties in original, alongwith its report.

5. Learned State counsel too 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.

6. In view of the report of the learned Judicial Magistrate, 1st Class, Moga 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 v. 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.

7. 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

July 21, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No