

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.5360 of 2023

Date of decision: 29th March, 2023

Sunny Kashyap & another

... Petitioners

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Tejinder Pal Singh, Advocate for the petitioners.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

Mr. Gurbhagat S. Gill, Advocate for respondents No.2 to 5.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing FIR No.109 dated 30.12.2022 (Annexure P-1) under Sections 323, 506, 452, 457, 148, 149 IPC registered at Police Station Nayagaon, District SAS Nagar Mohali along with all consequential proceedings arising therefrom on the basis of compromise dated 14.01.2023 (Annexure P-2) effected between the parties.

Vide order dated 02.02.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 28.02.2023 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Judicial Magistrate, 1st Class, Kharar, 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-petitioners is quashed.

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

Learned State counsel too submits that there are no other accused other than the petitioners and respondents No.2 to 5 are the only aggrieved persons in the FIR in question.

In view of the report of the learned Judicial Magistrate, 1st Class, Kharar 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.

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

March 29, 2023
rps

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