

...Petitioner

 V/s

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Kuldeep Singh Saini, Advocate
for respondent No.2.

Mr. H.S. Saini, Advocate
for the applicant in CRM-20665-2021.

MANJARI NEHRU KAUL J. (ORAL)

CRM-20665-2021

The instant application for impleading the applicants-Kuldeep Sharma and Smt. Kanta Devi as party respondents No.3 and 4 in the present criminal miscellaneous petition.

No ground has been made out for impleading the applicants-
Kuldeep Sharma and Smt. Kanta Devi as party respondents No.3 and 4 as
neither the applicant is injured nor complainant.

As such, present application is dismissed.

Main Case

The instant petition is for quashing of FIR No.50 dated 30.08.2002 lodged under Sections 323, 341, 427, 506, 34 and Section 326, 148 and 149 of IPC (added later on) of the Indian Penal Code, 1860

registered at Police Station Nurpur Bedi, District Anandpur Sahib and the consequential proceedings arising out of the same, on the basis of compromise affidavit (Annexure P-1) arrived at, between the parties.

Vide order dated 04.03.2021 of this Court, the parties were directed to appear before the learned trial Court/Illaqa Magistrate to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib in pursuance of the directions 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.

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

Learned State counsel too submits that there is no other accused other than the petitioner and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib 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 Vs. 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.

15.05.2023
manisha/sonia

(MANJARI NEHRU KAUL)
JUDGE

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