

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

290 (02 cases)

CRM-M-12214-2023

Date of Decision:18.07.2023

Om Parkash @ Kalu and Another
Vs.

.....Petitioners

State of Punjab and Another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Neeraj Madaan, Advocate
for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Vaibhav Nagori, Advocate
for respondent No.2.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.85 dated 04.09.2021 registered under Sections 452, 506, 323/34 of the IPC registered at Police Station Khuhi Khera, District Fazilka and all subsequent proceedings arising therefrom on the basis of compromise in the shape of affidavit dated 14.09.2021 (Annexure P-2).

This Court vide order dated 23.03.2023 had directed the parties to appear before the 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 Chief Judicial Magistrate and got their statements recorded. On the basis of the statements so recorded, Learned Magistrate has submitted report dated 17.06.2023 to the effect that the compromise has been effected

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between the parties voluntarily and without any coercion or undue influence.

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.85 dated 04.09.2021 registered under Sections 452, 506, 323/34 of the IPC registered at Police Station Khuhi Khera, District Fazilka and all subsequent proceedings arising therefrom on the basis of compromise in the shape of affidavit dated 14.09.2021 (Annexure P-2), are quashed qua the petitioners.

July 18, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No