

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

278

CRM-M-12861-2023

Date of decision: 10.08.2023

Hardip @ Happy and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mikhail Kad, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab
for respondent No.1-State.

Mr. Dhiraj Jindal, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.35 dated 20.02.2023 under Sections 452, 427, 379, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Bhawanigarh, District Sangrur and all consequential proceedings arising out of the same, on the basis of compromise dated 06.03.2023 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 18.05.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 02.06.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Additional Chief Judicial Magistrate, Sangrur, 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 she would have no objection if the FIR *qua* the accused-petitioners 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 petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

6. In view of the report of the learned Additional Chief Judicial Magistrate, Sangrur 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.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

10.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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