

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

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CRM-M-25774-2022

Date of decision: 31.01.2023

Aman Goyal and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : None for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab
for respondent No.1-State.

None for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.0286 dated 16.09.2018 lodged under Sections 365, 342, 323, 506, 148 and 149 of the IPC registered at Police Station Division No.8, District Police Commissionerate, Ludhiana and the consequential proceedings arising out of the same, on the basis of compromise/affidavit dated 25.05.2022 (Annexure P-3) arrived at, between the parties.

Vide order dated 04.07.2022 of this Court, the parties were directed to appear before the learned Trial Court/Illaq Magistrate on 25.07.2022 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Judicial Magistrate, Ist Class, Ludhiana, 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. It has been further stated in the report there are 05 persons arrayed as accused in the FIR including the present petitioners, however, challan was presented only against the petitioners and the other two persons namely Ramik Uppal and Gurmeet Singh were kept in column No.2.

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

Learned State counsel too submits that there are two other accused persons in the FIR besides the petitioners, however, they were placed in column No.2 and challan has been presented against the present petitioners only. Respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned Judicial Magistrate, Ist Class, Ludhiana 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.

31.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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