

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

278

2023:PHHC:116420

CRM-M-28943-2023

Date of decision: September 5th, 2023

Pawan Kumar Setia and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurpreet Singh Thind, Advocate
for Mr. O.P. Kamboj, Advocate
for the petitioners.

Mr. Inderpal Singh Sabharwal, Deputy Advocate General,
Punjab.

Ms. N.R. Komal Kamboj, Advocate
for respondents No.4 to 6.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in the instant petition is for quashing of FIR No.165 dated 17.10.2019 under Sections 452, 323, 506, 148 and 149 of the IPC (Sections 325 and 458 of the IPC added later on) registered at Police Station City Fazilka, District Fazilka, along with all consequential proceedings arising therefrom on the basis of compromise dated 11.03.2023 (Annexure P-2).

Vide order dated 02.06.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 17.07.2023 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Chief Judicial Magistrate, Fazilka, 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 private respondents have also made statement to the effect that they 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, along with its report.

Learned State counsel too submits that there are no other accused other than the petitioners and respondent Nos.4 to 6 are the only aggrieved person in the FIR in question.

In view of the report of the learned Chief Judicial Magistrate, Fazilka, 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.

September 5th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No