

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

CRM-M-32976-2023

Date of Decision: 04.12.2023

SUNIL KUMAR AND ORS

...Petitioners

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Imran Farooqi, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Naveen Kumar, Advocate for respondent Nos. 2 to 6.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No.13 dated 05.02.2023 under Sections 451, 323, 34 of the Indian Penal Code, 1860 registered at Police Station City-I, Malerkotla, and the consequential proceedings arising out of the same, on the basis of compromise dated 31.05.2023 (Annexure P-2) arrived at, between the parties.

Vide order dated 03.10.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 03.11.2023 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Sub Divisional Judicial Magistrate, Malerkotla, 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-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.2 to 6 are the only aggrieved person in the FIR in question.

In view of the report of the learned Sub Divisional Judicial Magistrate, Malerkotla, 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.

(MANJARI NEHRU KAUL)
(JUDGE)

04.12.2023

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