

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:122854
CRM-38828-2023 in/and
CRM-M-35510-2023
Date of Decision: September 19, 2023

Naresh Kumar and another ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rohit Singla, Advocate for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Abhay Gupta, Advocate for respondent Nos.2 and 3.

DEEPAK GUPTA, J.(Oral)

CRM-38828-2023

This is an application for pre-poning of the main petition, i.e. CRM-M-35510-2023 from 18.10.2023 to some other date, submitting that in compliance of the order dated 25.07.2023, statements of the parties with regard to the compromise, have already been recorded. It is submitted that petitioner No.2 wants to go abroad and that pendency of this petition would adversely affect the process.

Allowed.

The main petition, i.e. CRM-M-35510-2023 is taken on Board today itself.

Main Case

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR (Rapat) No.09, dated 16.09.2022, under Sections 323, 324 and 34 of IPC (Cross FIR) recorded in F.I.R. No.148, dated 12.09.2022, under Sections 323, 341, 506 and 34 of IPC, registered at

Police Station Machhiwara, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 15.07.2023.

This Court vide order dated 25.07.2023 had directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send his/her report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Samrala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.08.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Statements of respondent No.2 as well as respondent No.3-complainant were recorded with regard to compromise before learned Magistrate on 09.08.2023.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 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*

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303, this petition is allowed and DDR (Rapat) No.09, dated 16.09.2022, under Sections 323, 324 and 34 of IPC (Cross FIR) recorded in F.I.R. No.148, dated 12.09.2022, under Sections 323, 341, 506 and 34 of IPC, registered at Police Station Machhiwara, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 15.07.2023, are hereby quashed qua the petitioners.

September 19, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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