

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-35853-2023

Date of decision: 06.10.2023

Sanjeev Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raman Mohinder Sharma, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

Mr. Kavinder Singh Chhibber, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.86 dated 16.05.2023 under Section 406 of the Indian Penal Code, 1860 registered at Police Station City I Abohar, District Fazilka and all consequential proceedings arising out of the same, on the basis of compromise dated 15.07.2023 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 26.07.2023 of a Coordinate Bench of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 22.08.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Sub Divisional Judicial Magistrate, Abohar, 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-petitioner is quashed.

4. The Trial Court has annexed copies of statements of the parties alongwith its report.

5. Learned counsel for the petitioners submits that compromise has been effected between the parties as per the terms and conditions mentioned therein.

6. Learned counsel appearing for respondent No.2-complainant does not dispute the averments made by the counsel opposite and submits that the parties have agreed to adhere to the terms and conditions so arrived at between them.

7. Learned State counsel too submits that there is no other accused other than the petitioner and respondent No.2 is the only aggrieved person in the FIR in question.

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

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

06.10.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No