

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

**Neutral Citation No. 2023:PHHC:160704
CRM-M-35867-2023**

Date of Decision: December 14, 2023

Harjinder Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sourabh Kandoi, Advocate for
Mr. Raman Singla, Advocate,
for the petitioners.

Mr. P.S. Pandher, AAG, Punjab.

Mr. Avtar Singh Khinda, Advocate,
for respondent Nos.2 to 5.

DEEPAK GUPTA, J.(Oral)

1. Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of General Diary/rapat No.19 dated 28.05.2023, registered under Sections 326, 324, 323, 148, 149 of IPC, 1860 at Police Station Sadar Kapurthala, District Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. This Court vide order dated 26.07.2023 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.

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3. Pursuant to the aforesaid order, parties have appeared before learned Magistrate and got their statements recorded. On the basis of the statements so recorded, learned Sessions Judge has submitted report dated 2.11.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

4. Statement of Respondent No.2-complainant, namely, Sandeep Kumar with regard to compromise was recorded before learned Sessions Judge on 1.11.2023.

5. Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

6. 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 303***, this petition is allowed and General Diary/rapat No.19 dated 28.05.2023, registered under Sections 326, 324, 323, 148, 149 of IPC, 1860 at Police Station Sadar Kapurthala, District Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) qua petitioners, are hereby quashed.

December 14, 2023*geeta***(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No