

283 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36297-2023

Date of decision: 05.12.2023

KRISHAN DAYAL AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Narinder S. Lucky, Advocate for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.169 dated 24.12.2021, registered under Sections 323, 341, 346, 506 and 34 of IPC (Sections 324, 365 of IPC added later on and Section 346 of IPC deleted later on) at Police Station Kathgarh, District SBS Nagar and all subsequent proceedings arising therefrom on the basis of compromise dated 13.07.2023 (Annexure P-2).

This Court vide order dated 04.09.2023 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 Sub Divisional Judicial Magistrate, Balachaur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.10.2023 to the effect that the compromise has been effected between the parties is voluntarily and without any coercion or undue influence.

Learned State counsel as well as learned counsel for respondent No.2 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 303*, this petition is allowed and F.I.R. No.169 dated 24.12.2021, registered under Sections 323, 341, 346, 506 and 34 of IPC (Sections 324, 365 of IPC added later on and Section 346 of IPC deleted later on) at Police Station Kathgarh, District SBS Nagar and all subsequent proceedings arising therefrom on the basis of compromise qua petitioner(s), are hereby quashed.

December 05, 2023
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(DEEPAK GUPTA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |