

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226A

CRM-M-40785-2022 (O&M)

Date of Decision:05.05.2023

Sahibjeet Ota and Another

.....Petitioners

Vs.

State of Punjab and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Lakhvir Singh, Advocate for
Mr. R.S. Waraich, Advocate for
the petitioners.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

Mr. Gurjant Singh Swaich, Advocate for
Mr. S.P.S. Aulakh, Advocate for
respondent Nos.2 & 3.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.035 dated 02.05.2018 under Sections 323, 341, 427, 149, 506 of the IPC, Police Station Samrala, Police District Khanna, District Ludhiana in FIR No.0088 dated 02.05.2018 registered under Sections 323, 324, 149 of the IPC registered at Police Station Samrala, Police District Khanna, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 09.08.2022 (Annexure P-2).

This Court vide order dated 27.02.2023 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared

before Learned Sub Divisional Judicial Magistrate and got their

statements recorded. On the basis of the statements so recorded, Learned Magistrate has submitted report dated 16.03.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Learned State counsel as well as learned counsel for respondent Nos.2 & 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 303*, this petition is allowed and DDR No.035 dated 02.05.2018 under Sections 323, 341, 427, 149, 506 of the IPC, Police Station Samrala, Police District Khanna, District Ludhiana in FIR No.0088 dated 02.05.2018 registered under Sections 323, 324, 149 of the IPC registered at Police Station Samrala, Police District Khanna, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 09.08.2022 (Annexure P-2), are quashed qua the petitioners.

May 05, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE