

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

279

CRM-M-39658-2023

Date of decision: 03.10.2023

Sourav Jain

....Petitioner

V/s

State of Harayna and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Pooja Jaglan, Advocate, for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. Naemed Singh, Advocate, for

Mr. Pramod Kumar, Advocate, for respondent No.2.

DEEPAK GUPTA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.346 dated 17.03.2018, registered at Police Station Panipat City, Panipat, under Sections 323, 34, 427, 452, 506 and 201 of the IPC and Sections 25, 54, 59 of the Arms Act, 1959 added subsequently in the FIR (with charges framed under Sections 323, 34, 427, 452, 506, 201 of the IPC) and all the subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 17.08.2018 (Annexure P.2).

This Court vide order dated 11.08.2023 had directed the parties to appear before the trial Court/Area Magistrate 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 Judicial Magistrate Ist Class, Panipat, and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.09.2023 to the effect that the compromise has been effected between the parties voluntarily, with free will and full sense of the parties.

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.346 dated 17.03.2018, registered at Police Station Panipat City, Panipat, under Sections 323, 34, 427, 452, 506 and 201 of the IPC and Sections 25, 54, 59 of the Arms Act, 1959 added subsequently in the FIR and all the subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 17.08.2018 (Annexure P.2), are quashed.

(DEEPAK GUPTA)
JUDGE

October 03, 2023
vcgarg

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No