

301 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40251-2023

Date of decision: 08.11.2023

KUNAL SHARMA @ KAMBY AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Lakshay Bector, Advocate for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

Ms. Sonia Monga, Advocate for
Mr. Kunal Jain, 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.435 dated 02.12.2021, registered under Sections 452, 326, 148, 149, 506 of IPC at Police Station Division No.5, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 03.08.2023.

2. This Court vide order dated 17.08.2023 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.

3. Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana as well as Principal Magistrate, Juvenile Justice Board, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate and

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Principal Magistrate, Juvenile Justice Board have submitted their respective reports dated 04.11.2023 and 31.10.2023 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, Harman Sharma with regard to compromise was recorded before learned Magistrate and Principal Magistrate, Juvenile Justice Board on 25.08.2023 and 05.10.2023.

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 F.I.R. No.435 dated 02.12.2021, registered under Sections 452, 326, 148, 149, 506 of IPC at Police Station Division No.5, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise qua petitioners, are hereby quashed.

November 08, 2023
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(DEEPAK GUPTA)
JUDGE

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