

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

Sr. No.263**CRM-M-36497-2019****Date of Decision: 10.05.2023**

HARISH KUMAR AND ANOTHER

.... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Shailender Singh Gill, Advocate
for the petitioner.

Mr. P. K. Aggarwal, DAG, Haryana.

Mr. Sanjiv Kumar Jindal, Advocate
for respondent.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0313 dated 09.08.2017 registered under Section 406 IPC (Annexure P-1) (Section 34 IPC was added later on) at Police Station Panchkula, Sector-5 and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 19.12.2022 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 its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate First Class, Panchkula and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated

25.01.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Rakesh Kumar has made his statement with regard to compromise before learned Magistrate on 22.12.2022.

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.0313 dated 09.08.2017 registered under Section 406 IPC (Annexure P-1) (Section 34 IPC was added later on) at Police Station Panchkula, Sector-5 and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2), are quashed.

(DEEPAK GUPTA)
JUDGE

10.05.2023

M.Sikka

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No