

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

294

2023:PHHC:141614

CRM-M-41848-2023

Date of decision: November 7th, 2023

Vipan Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajpal Singh Chauhan, Advocate
for the petitioners.

Mr. Mohit Kapoor, Additional Advocate General, Punjab,
for respondent No.1-State.

None for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in the instant petition is for quashing of FIR No.6 dated 21.01.2023 under Sections 323, 379-B, 506, 34 of the IPC registered at Police Station Subhanpur, District Kapurthala, along with all consequential proceedings arising therefrom on the basis of compromise dated 31.07.2023 (Annexure P-2).

2. Vide order dated 24.08.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 28.09.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate Ist Class, Kapurthala, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report

compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioners is quashed.

4. The trial Court has annexed the copies of the statements of the parties, along with its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

6. In view of the report of the learned Judicial Magistrate, Ist Class, Kapurthala, and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

November 7th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No