

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRM-M-48986-2021

Date of decision: 04.08.2023

Akshay Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikram Anand, Advocate
for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab
for respondent No.1-State.

Mr. Rajveer Singh, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.0034 dated 13.03.2020 under Sections 279 and 427 of the Indian Penal Code, 1860 registered at Police Station Division 6, District Police Commissionerate Jalandhar and all consequential proceedings arising out of the same, on the basis of compromise dated 20.08.2021 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 03.12.2021/16.08.2022 of Coordinate Bench of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Chief Judicial Magistrate, Jalandhar, 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-petitioner is quashed.

4. The Trial Court has annexed copies of statements of the parties alongwith its report.

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

6. In view of the report of the learned Chief Judicial Magistrate, Jalandhar 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.

04.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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