

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.48403 of 2022
Date of decision: 29th March, 2023

Rajiv Kumar @ Kaka

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.S. Aviraj, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

Mr. Madhur Jangra, Advocate for
Mr. Mukul Ahuja, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing FIR No.195 dated 10.10.2021 (Annexure P-1) under Sections 323, 324 IPC (Section 326 IPC added later on) registered at Police Station City Gurdaspur, District Gurdaspur along with all consequential proceedings arising therefrom on the basis of compromise dated 26.09.2022 (Annexure P-2) effected between the parties.

Vide order dated 02.02.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 28.02.2023 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Chief Judicial Magistrate, Gurdaspur, in pursuance of the direction 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.

The trial Court has annexed the statements of the parties in original, alongwith its report.

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

In view of the report of the learned Chief Judicial Magistrate, Gurdaspur 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 v. 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.

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

(MANJARI NEHRU KAUL)
JUDGE

March 29, 2023
rps

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