

298 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48984-2023

Date of decision: 04.12.2023

NILAKASH GAUTAM @ LIKNESH GAUTAM @ FAUJI AND
OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. B.S. Khehar, Advocate for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Bhupender Singh, Advocate for
Mr. Hemant Saini, Advocate for respondent Nos.2 to 4.

DEEPAK GUPTA J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.55 dated 04.03.2023, registered under Sections 307, 341, 323, 148, 149 and 506 of IPC at Police Station Sadar Kharar, District SAS Nagar and all subsequent proceedings arising therefrom on the basis of compromise dated 28.03.2023 (Annexure P-2).

This Court vide order dated 12.10.2023 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.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Kharar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.11.2023 to the effect that the compromise has been effected between the parties is genuine, voluntarily and without any coercion or undue influence.

Learned State counsel as well as learned counsel for respondent No.2 to 4 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.55 dated 04.03.2023, registered under Sections 307, 341, 323, 148, 149 and 506 of IPC at Police Station Sadar Kharar, District SAS Nagar and all subsequent proceedings arising therefrom on the basis of compromise qua petitioner(s), are hereby quashed.

December 04, 2023
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(DEEPAK GUPTA)
JUDGE

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