

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(282)

CRM-M-52096-2023

Date of decision:- 13.12.2023

Pardeep Kumar

...Petitioner

Versus

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sarvesh Malik, Advocate for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

Mr. Chirag Suri, Advocate for respondent No.2.

DEEPAK GUPTA, J. (Oral)

1. By way of this present petition filed under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.244 dated 09.04.2023 under Sections 341, 506 of IPC and 72-C of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Assandh, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.04.2023 (Annexure P-2) between the parties.

2. This Court vide order dated 13.10.2023 had directed the parties to appear before the trial Court/Area Magistrate to get their statements recorded and the learned Magistrate was directed to send his/her report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.11.2023 to the effect that the compromise

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has been effected between the parties voluntarily and without any coercion or undue influence.

4. Statement of respondent No.2-complainant, namely, Himmat Singh, with regard to compromise was recorded before learned Magistrate on 22.11.2023.

5. Learned State counsel as well as learned counsel for respondent No.2 has not disputed the factum of compromise between the parties.

6. 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 reported as 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others reported as 0(2012) 10 SCC 303*, this petition is allowed and FIR No.244 dated 09.04.2023 under Sections 341, 506 of IPC and 72-C of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Assandh, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.04.2023 (Annexure P-2), qua the petitioner, is hereby quashed.

(DEEPAK GUPTA)
JUDGE

13th December, 2023

spn

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No