

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

308

CRM-M-47267-2023

Date of decision: 22.01.2024

Nesh Paul and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : None for the petitioners.

ASI Birbal Singh, No.291-Fazilka.

None for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.51 dated 22.07.2023 under Sections 116/120-B of the IPC registered at Police Station Khui Khera, District Fazilka and all consequential proceedings arising out of the same, on the basis of compromise/affidavit dated 27.07.2023 (Annexure P-2) arrived at, between the parties.

2. Vide orders dated 20.09.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 20.10.2023 to get their statements recorded regarding the compromise arrived at, between them. However, as the parties did not appear before the trial Court/Illaq Magistrate on the date fixed, vide order dated 21.11.2023 they were again directed to appear before the trial Court/Illaq Magistrate on 21.12.2023.

3. Report has since been received from learned Judicial Magistrate Ist Class, Fazilka, 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 statements of the parties in original, alongwith its report.

5. ASI Birbal Singh, who is present in Court 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, Fazilka 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 qua petitioners.

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

22.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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