

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

241

CRM-M-11516 of 2015
Date of decision : 01.09.2015

Yogesh Pahwa

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE NARESH KUMAR SANGHI

Present : Mr.Vikas Gupta, Advocate
for the petitioner.

Mr.P.S.Paul, DAG, Punjab
for respondent No.1.

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.14 (Annexure P/1) dated 20.01.2015, for the offences punishable under Sections 380 and 406, IPC, registered at Police Station Sadar, Amritsar and consequential proceedings arising therefrom, on the basis of compromise dated 31.03.2015 (Annexure P/2).

Vide order dated 14.07.2015 passed by this Court, the affected parties were directed to appear before the learned

Area Judicial Magistrate for getting their respective statements recorded with regard to compromise. The said Court was also directed to submit its report in that regard.

In compliance of the above order, the petitioner as well as the informant/respondent No.2, Niranjana Sharma did appear before the Court below and got recorded their statements. Niranjana Sharma, respondent No.2 suffered the following statement:-

"A compromise has been effected between us on dated 31.3.15. As per compromise on behalf of Metro Cash and Carry India Pvt. Ltd. I have received a demand draft bearing No.962731 dated 9.3.2015 of Rs.92539/- of PNB in favour of Metro Cash and Carry India Pvt. Ltd., being full and final payment of the present dispute. This compromise is effected voluntarily and without any pressure. I have no objection if the FIR No.14 dated 20.1.15 under Sections 380/406 IPC, registered at Police Station Sadar is quashed."

The report received from learned Addl.Chief Judicial Magistrate, Amritsar is as under:-

"Pursuant to the order dated 14.7.2015 passed by the Hon'ble High Court in CRM-M-11516 of 2015, report is hereby submitted to the effect that the statement of complainant Niranjana Sharma as well as accused Yogesh Pahwa have been recorded in case bearing FIR No.14 dated 20.1.2015, under Sections 380, 406 of IPC at Police Station Sadar, Amritsar. This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any fear or pressure. The compromise is genuine, voluntarily and out of free will of the parties. It is further submitted that as per report of Ahlmad, no P.O. Proceedings are pending against any of the accused in this court."

Learned State counsel as well as learned counsel for

the informant/respondent No.2 submit that the parties have resolved their dispute and effected a compromise. He has no objection if the impugned FIR and consequential proceedings arising therefrom are quashed on the basis of compromise.

In view of the totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment delivered by Hon'ble Supreme Court in the matter of **Gian Singh v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543 (SC)**, and the judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, the present petition is allowed. FIR No.14 (Annexure P/1) dated 20.01.2015 for the offences under Sections 380 and 406, IPC, registered at Police Station Sadar, Amritsar and consequential proceedings arising therefrom, are hereby quashed.

[Naresh Kumar Sanghi]
Judge

01.09.2015
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