

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-No. 23145 of 2015

Date of decision: 24.09.2015

Naresh Kumar Bhandari

----Petitioner(s)

V/s

State of Punjab & another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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?

Present:- Mr. Vivek Salathia, Advocate for the petitioner.

Mr. P.S. Madahar, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 67 dated 23.04.2015 under Section 420 IPC registered at Police Station City Rupnagar, District Rupnagar (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 08.05.2015 (Annexure P-2).

This Court, vide order dated 17.07.2015, has passed the following order:-

“Notice of motion to the Advocate General, Punjab, as well as, respondent no.2, for 24.09.2015.

Parties will be at liberty to move application before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise. On doing so, the

Illaqa Magistrate/trial Court will record their statements with regard to the compromise on the date already fixed or some other date to be fixed by it and submit report to this Court by the adjourned date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The Court shall also mention whether any of the accused is proclaimed offender and quashing sought is by all the accused.

Pursuant to the aforesaid order dated 17.07.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Rupnagar and have got their statements recorded. On the basis of the statements so recorded, learned Judicial Magistrate Ist Class, Rupnagar has forwarded his report dated 25.08.2015, along with the statements of the parties to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

In view of the compromise, respondent No.2-complainant, namely, Ajay Gupta aged about 53 years S/o Satpal Gupta R/o House No. 1228, Jain Mohalla, Rupnagar, has made the following Statement before the Magistrate :-

“Stated that I have compromised the matter with the accused with the intervention of respectables of the Society. The accused Naresh Kumar has given assurance in the presence of respectable persons of the society that he will not repeat or commit any offence against anyone in future. On the basis of assurance of accused and counseling by the respectable persons of the society, I have entered into compromise with the accused which is Ex. C1. I have entered into compromise without any fraud, threat, undue influence and coercion from any corner. The compromise has been entered into by me with

my free will. I have no objections if the accused is set a liberty by Hon'ble Court.

RO & AC
Sd- Ajay Gupta

Sd/-
(Komple Dhanjal)
JMIC/Rupnagar/20.08.2015”

Learned counsel for the State has also not disputed the factum of compromise entered 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 FIR qua the petitioner.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)** and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No. 67 dated 23.04.2015 under Section 420 IPC registered at Police Station City Rupnagar, District Rupnagar (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 08.05.2015 (Annexure P-2), are hereby quashed.

September 24, 2015
Anjal

(HARI PAL VERMA)
JUDGE