

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-25993 of 2013

DATE OF DECISION: 08.01.2015

Ashwani Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper 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. H.S. Saini, Advocate
for the petitioners.

Mr. T.N. Sarup, Addl. A.G., Punjab.

Mr. Sukhdev Singh, Advocate for
Mr. L.S. Sidhu, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Petitioners, namely, Ashwani Kumar, Sanjeev Kumar @ Sanjeev Singh, Jasvir Singh and Manjinder Kaur @ Satwinder Kaur have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No. 11 dated 5.2.2010 registered under Sections 406,420,34 IPC at Police Station Nurpur Bedi (Rupnagar), on the basis of compromise.

As per allegations in the FIR, money was paid to the petitioners for sending some persons abroad and subsequently the matter was compromised between the parties but only the part payment was made and therefore again the FIR was registered.

Learned counsel for the petitioners contends that during pendency of the proceedings, the balance amount has been paid to the complainant and now the complainant is satisfied with the compromise arrived at with the petitioners and has no grouse in quashing of the FIR and other proceedings.

Notice of motion was issued in the case on 12.8.2013 and thereafter vide order dated 14.7.2014, directions were issued to the parties to appear before the trial Court for recording of their statements with regard to compromise. The trial Court was also directed to submit its report before this Court regarding genuineness/validity of the compromise.

In response to the directions issued by this Court, a report has been received from the trial Court, which is on record. It has been mentioned in the report that the parties were present in the Court and were duly identified by their counsel and their statements have been recorded, wherein, they have stated that they have voluntarily entered into the compromise out of their free will and without any undue influence, coercion, inducement, threat or promise. It has further been mentioned in the report that neither any PO proceedings nor any other case is pending against the parties. It has also been mentioned that the said FIR was registered against four persons, namely, Ashwani Kumar, Sanjeev Singh, Jasvir Singh and Manjinder Kaur and they are on bail. Complainant has specifically stated in his statement that he does not want to take any action against the accused persons because of the compromise and he has no objection in quashing of the FIR and other proceedings.

Since the dispute between the parties has been settled by way of compromise and now the complainant has no objection, if the present petition is allowed and the FIR, in question, is quashed, I am of the considered view that continuation of impugned criminal proceedings

between the parties would be an exercise in futility.

Accordingly, this petition is allowed and impugned criminal proceedings arising out of FIR No. 11 dated 5.2.2010 registered under Sections 406,420,34 IPC at Police Station Nurpur Bedi (Rupnagar)along with all subsequent proceedings arising therefrom qua Ashwani Kumar, Sanjeev Kumar @ Sanjeev Singh, Jasvir Singh and Manjinder Kaur @ Satwinder Kaur are quashed.

January 08, 2015
pooja

(DAYA CHAUDHARY)
JUDGE