

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-No.2478 of 2015

Date of decision: 24.09.2015

Ravinder Kumar Gupta and another
V/s

----Petitioner(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. Manoj Kumar Pundhir, Advocate for the petitioners.

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

Mr. Sunny K. Singla, Advocate for
complainant/respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 290 dated 01.12.2009 under Sections 420 and 120-B IPC registered at Police Station City Barnala, District Barnala (Annexure P-1) and order dated 31.08.2010(Annexure P-2) passed by Chief Judicial Magistrate, Barnala vide which petitioner No.1 has been declared as Proclaimed Offender, along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 04.12.2014 (Annexure P-3).

This Court, vide order dated 09.04.2015, has passed the following order:-

“Adjourned to 04.09.2015.

In the meantime, parties are directed to present themselves before the Trial Court on 13.05.2015 or any other

date convenient to the Court for recording their statements with regard to the compromise. The Trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Trial Court is further directed to send a report along with statements of the parties with regard to the validity or otherwise of the compromise effected between the parties and intimate whether any other case is pending against either of the parties or not before the next date of hearing ”

Pursuant to the aforesaid order dated 09.04.2015, the parties have appeared before learned Chief Judicial Magistrate, Barnala and have got their statements recorded. On the basis of the statements so recorded, learned Chief Judicial Magistrate, Barnala has forwarded his report dated 29.07.2015, 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.

Mr. Sunny K. Singla, Advocate, has put in appearance on behalf of respondent No.2/complainant and admit the factum of compromise entered between the parties.

In view of the compromise, respondent No.2-complainant, namely, Rajbir Singh son of Hari Singh resident of Narain Nagar Dhaunala Road Barnala, has made the following Statement before the Magistrate :-

“ I am complainant in this case FIR no. 290 dated 1.12.2009 under Section 420, 120-B IPC which was got registered by me with the Police Station City Barnala. Now compromise has been effected between us by respectable persons. Now both the parties wants to reside in peaceful manner. I have no objection if the present FIR quashed. The written compromise was effected between us

which has been already placed before the Hon'ble High Court and the true photo copy the above said compromise is Ex-P1 which bears my signatures on the Court file is a genuine document. I identify my signatures of the photostat. There is no dispute regarding the correctness of the compromise. The compromise has been effected without any pressure with my free will. I have no objection if the above said FIR be quashed. In view of the compromise I have received a demand draft no.969152 issued by Oriental Bank of Commerce for Rs.9,99,999.00/- and Rs. One in cash from Ravinder Kumar through his counsel in the Court today. This demand draft which was issued on 6.1.2015 has been renewed on 8.4.2015 which is valid for three months. I have received the full and final amount from Ravinder Kumar through his counsel as mentioned above, now I have no dispute with Ravinder Kumar and others. The true photocopy of the draft is also placed on the file which Ex-P2. I have no objection if the FIR stated above is quashed.

RO & AC
Sd- Rajbir Singh

Sd/-
(Manoj Kumar)
CJM/1.7.2015

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 petitioners. However, considering the fact that the FIR was registered on 01.12.2009 and the State machinery was put to its optimum use till date, the petitioners are liable to pay costs.

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. 290 dated 01.12.2009 under Sections 420 and 120-B IPC registered at Police Station City Barnala, District Barnala (Annexure P-1) and order dated 31.08.2010(Annexure P-2) passed by Chief Judicial Magistrate, Barnala vide which petitioner No.1 has been declared as Proclaimed Offender, along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 04.12.2014 (Annexure P-3), are hereby quashed, subject to payment of costs of ₹10,000/- to be deposited with the Punjab State Legal Services Authority. Chandigarh.

September 24, 2015
Anjal

(HARI PAL VERMA)
JUDGE