

230 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

HEMLATA
20100184656
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authenticity of this document

CRM-M-6086-2014

Date of Decision: 17.03.2015

GURDEEP SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB & OTHERS

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Vinod Bhardwaj, Advocate for
Dr.Naresh Kaushik, Advocate for the petitioners.

Mr.Varun Sharma, AAG, Punjab.

Mr. Munish Bansal, Advocate for respondent No.16

RAJ MOHAN SINGH, J. (Oral)

Prayer in the present petition is for quashing of FIR No. 74, dated 11.11.2008 registered under Sections 420/467/471/120-B IPC, Police Station-Gharinda, District Amritsar, on the basis of compromise.

This Court vide order dated 19.02.2014, passed the following order:-

“Petitioners claim that the matter has been compromised. They seek quashing of FIR on the basis of compromise.

Notice of motion for July 18, 2014.

Meanwhile, an interim direction is issued that the petitioners, complainant and any other person effected will appear before the trial Court on the date fixed. The trial Court on said date or any other date convenient to the Court record the statements of the parties and send a report to this Court regarding the matter having been compromised voluntarily without any coercion and undue influence and nothing being due from the petitioners to the complainant bank, by next date of hearing.”

In pursuance of said order, both the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded in token of confirmation of the compromise in question. Learned Judicial Magistrate recorded statements of all concerned in the context of compromise. He thereafter, recorded his opinion to the effect that the compromise in question has been effected without any pressure or coercion and the same is genuine. The compromise is found to have been voluntarily effected without any force and coercion of any type. The Ld. Judicial Magistrate 1st Class, Amritsar has found the compromise in question to be genuine and voluntary.

Since, both the parties have arrived at settlement after paying the dues, therefore no lis is surviving between the parties. It would be in fitness of things that FIR in question be quashed along with all subsequent proceedings undertaking pursuance thereof.

Resultantly, the FIR No. 74 dated 11.11.2008 registered under Sections 420/467/471/120-B IPC, Police Station-Gharinda, District Amritsar, is ordered to be quashed along with entire subsequent proceedings, if undertaken in pursuance thereof.

At this juncture, Mr. Varun Sharma, DAG, Haryana states that one of the accused person, namely, Sukhdev Singh as a Patwari against whom the allegations of forgery has been made in the FIR and he has been suspended by the department. The quashing of the FIR will not preclude the department from taking any departmental action, if required in view of alleged culpability of Patwari in question.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

March 17, 2015
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