

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-11306 of 2016.
Decided on:-23.11.2016.

Sandeep Marwaha.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Lovkesh Gupta, Advocate
for the petitioner.

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

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.141 dated 26.7.2015 under Sections 406 and 420 IPC as well as Section 24 of the Immigration Act registered at Police Station Navi Baradari, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 4.2.2016 (Annexure P-2).

This Court vide order dated September 23, 2016 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report along with statements of the parties qua validity or otherwise of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.10.2016 to the effect that the compromise has been arrived at between the parties voluntarily and without any pressure.

The factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Maninder Pal has been recorded by learned Magistrate on 18.10.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“Stated that one FIR No.141 dated 26.7.2015 case under Section 406/420 IPC and 24 Immigration Act, Police Station Navi Baradari has been registered by me against Sandeep Marwaha son of Sh. Parwinder Marwaha resident of house No.63, Old Jahawar Nagar Jalandhar. That no challan has been presented in the court till today. In the meantime with the intervention of the respectable the matter in dispute has been compromised between the parties. That Sandeep Marwaha filed quashing petition of the above said FIR on the basis of compromise and I appeared in the said petition through counsel. As such the Hon'ble High Court directed us to record our statement before this Hon'ble Court vide order dated

23.9.2016. The compromise has been effected with my free will, sound disposing mind and without any coercion. I have no objection if the above-said FIR be quashed on account of compromise. Copy of my self attested ID Card i.e. Aadhar Card is Ex.C1.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.141 dated 26.7.2015 under Sections 406 and 420 IPC as well as Section 24 of the Immigration Act registered at Police Station Navi Baradari, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise deed dated 4.2.2016 (Annexure P-2) effected between the parties.

November 23, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No