

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

CRM-M-12174 of 2016.
Decided on:-06.10.2016.

Anita and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. R.P. Dhir, Advocate
for the petitioners.

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

Ms. Ekta Thakur, Advocate
for the respondent No.2-complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.191 dated 4.12.2010 under Sections 420, 474 and 384 read with Section 34 IPC registered at Police Station Model Town, Hoshiarpur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 2.4.2016 (Annexure P-2).

This Court vide order dated April 07, 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 qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Chief Judicial Magistrate, Hoshiarpur and got their statements

recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 15.7.2016 to the effect that the parties have entered into compromise voluntarily and the compromise is found to be genuine, voluntary and without any coercion or undue influence.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for respondent No.2-complainant.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Dharam Pal has been recorded by learned Magistrate on 13.7.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“That on my statement made before the police, a case under Sections 420, 474, 384, 34 of Indian Penal Code, was registered at Police Station Model Town, Hoshiarpur against accused Anita Kumari and Parshotam Lal. Now with the intervention of respectable persons and our relatives the dispute between me and the accused has been settled amicably and voluntarily. Now there is no dispute between me and the accused. I have no grudge against the accused. The compromise is effected for the welfare of the parties and the society at large. The compromise has been effected without any fear, threat, pressure or coercion and is with my own sweet will. I have no objection, if the above said FIR is quashed against the accused and the accused be acquitted.”

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.191 dated 4.12.2010 under Sections 420, 474 and 384 read with Section 34 IPC registered at Police Station Model Town, Hoshiarpur, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise dated 2.4.2016 (Annexure P-2) effected between the parties.

October 06, 2016

Yag Dutt

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned:

Yes / No

Whether Reportable:

Yes / No