

272.

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

CRM-M-13594-2016

Date of decision:02.08.2016

Ishar Ram

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Naresh Kumar, Advocate,
for the petitioner.

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

Mr. Rajesh Duhan, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.50, dated 05.06.2014 under Sections 420/468/471/120-B of IPC, registered at Police Station Ghagga, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise deed dated 08.04.2016 (Annexure P-2).

This Court vide order dated 25.04.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Samana and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 14.07.2016 to the effect that the compromise between the parties is genuine and it is effected voluntarily

without any pressure, coercion or undue influence from any quarter.

Respondent No.2-complainant, namely, Gurmail Singh has made his statement with regard to the compromise before learned Magistrate on 03.06.2016. The same is being reproduced as under:-

“Stated that matter has been compromised with the accused Ishar Ram son of Haria Ram with the intervention of respectables of the society and accused has filed quashing petition CRM-M No.13594 of 2016 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing FIR No.50 dated 05.06.2014 under sections 420/468/471/120-B IPC, P.S Ghagga. The matter has been voluntarily compromised with the accused vide compromise dated 08.04.2016, the copy of same is Ex. C1 which bears my thumb impression. The said compromise is genuine and is voluntarily arrived at with my free consent and without any pressure, coercion, undue influence and inducement from any quarter. So in view of the voluntary compromise with the above said accused person, I do not want to proceed with the present FIR. Now I have no grudge against the accused and I have no objection if the present FIR is quashed against accused Ishar Ram. I have placed on record copy of my Aadhar Card as Ex. C-2 as my identity proof (original seen and returned). I am also known as Gurmail Ram and my name is mentioned as Gurmail Ram on my Aadhar Card. I have filed an affidavit in this regard which is Ex. C3. There is only one accused namely Ishar Ram arrayed in the present case. Neither any accused is Proclaimed offender nor any proclamation proceedings are pending against person. I identify the accused present in the court today.”

The learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to

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 F.I.R. No.50, dated 05.06.2014 under Sections 420/468/471/120-B of IPC, registered at Police Station Ghagga, District Patiala and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 08.04.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.08.2016
sanjeev

Whether speaking/reasoned	Yes/No.
Whether Reportable:	Yes/No.