

274.

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

CRM-M-13961-2016

Date of decision:30.08.2016

Manoj Kumar Chawla and another

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Ankur Bansal, Advocate,
for the petitioners.

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

None 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.09 dated 15.01.2013 under Sections 406/420 IPC, registered at Police Station Division No.8, District Jalandhar (Annexure P-1) including final report under Section 173 Cr.P.C. and chargesheet dated 22.07.2013 (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.04.2016 (Annexure P-3).

This Court vide order dated 26.04.2016 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, Jalandhar and have got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted the report dated 01.06.2016 to the effect that the

compromise has been effected between parties is genuine, voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Pawan Kumar Vashisht, but no prejudice would be caused to him as he has already made his statement with regard to the compromise before learned Magistrate on 23.05.2016. The same is being reproduced as under:-

“Stated that I am the complainant in this case and FIR has been registered at my instance. Now with the intervention of respectables the compromise with the accused Manoj Kumar Chawla and Prem Malhotra present in the court has been effected. The said compromise is genuine and effected voluntarily with my free consent and without any kind of pressure, force, threat and coercion and undue influence from any quarter. So in view of the voluntarily compromise with the above said accused persons, I do not want to proceed with the present FIR no.9 dt. 15.01.2013 registered at PS Divn no.8, Jalandhar under Section 406, 420 IPC. Now I have no grudge against the accused and I have no objection if the present FIR be quashed against the above said accused persons. I have also placed on record photo copy of my identity card as Ex.C1 as identity proof (original seen and returned). There are only two accused in this FIR and I have compromised with all of them and no accused is proclaimed offender.”

The learned State counsel has not disputed the factum of compromise 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 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 F.I.R. No.09 dated 15.01.2013 under Sections 406/420 IPC, registered at Police Station Division No.8,

District Jalandhar (Annexure P-1) including final report under Section 173 Cr.P.C. and chargesheet dated 22.07.2013 (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.04.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

30.08.2016
sanjeev

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