

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

CRM-M-14400 of 2016

Date of decision: 17.11.2016

Jeet Ram

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Varun Sharma, Advocate for
Mr.Rajesh Pal, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

None for 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.04 dated 16.01.2015 (Annexure P-1) for offence under Section 420 IPC, registered at Police Station Mullanpur Garibdas, District SAS Nagar and all other consequential proceedings arising thereto on the basis of compromise dated 08.04.2016 (Annexure P-2).

This Court vide order dated 29.04.2016 had directed the parties to appear before Illaqa Magistrate/the trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/the trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 29.04.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Kharar and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 27.05.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

Though, today nobody is present on behalf of respondent No.2-complainant-Satpal Singh son of Kashmir Singh, but no prejudice would caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 26.05.2016, The said statement reads as under:-

“The present case FIR has been lodged against the accused person namely Jeet Ram on my statement. That compromise has been effected between the parties and in view of the compromise, accused has filed a quashing petition in CRM-M-No.14400 of 2016 pertaining to the FIR no.4 dated 16.01.2015 in which the Hon'ble High Court has directed both the parties to come present before the trial court for recording their statements with regard to compromise/settlement. In compliance of the order of Hon'ble High Court, I have come present for recording my statement. I have effected the compromise with the accused accused person with the intervention of respectable and have compromised with the accused person voluntarily, without any pressure and with my free Will. I have no objection if the proceedings against the accused person is quashed as per the compromise between us. That there is no other case between either of the parties. I identify my signature on the compromise deed. The original of the same is placed on record in the above said quashing petition before the Hon'ble Punjab and Haryana High Court, Chandigarh. The photocopy of compromise is Mark A.”

Apart from the statement of the complainant-respondent No.2, whereby he has shown no objection to the FIR being quashed, there is

nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned State counsel does not dispute the factum of compromise entered between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.04 dated 16.01.2015 (Annexure P-1) for offence under Section 420 IPC, registered at Police Station Mullanpur Garibdas, District SAS Nagar and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 08.04.2016 (Annexure P-2).

17.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? ***Yes***

Whether reportable? ***Yes/No***