

265.

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

CRM-M-15383-2016

Date of decision:22.09.2016

Manish Sharma and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Vikas Gupta, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

None for respondents No.2 to 4.

HARI PAL VERMA, J.(*Oral*)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.229 dated 06.06.2015 under Sections 417/419/420/120-B IPC, registered at Police Station 'A' Division, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.04.2016 (Annexure P-2).

This Court vide order dated 05.05.2016 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, parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.08.2016 to the effect that the compromise effected

between parties is genuine, voluntary, without any threat or coercion.

Since the complainant-Sudhir Khanna at whose behalf FIR in question was registered, has died, statements of his legal heirs, namely, Kavita Khanna (wife), Rohit Khanna (son) and Nitika Khanna (daughter), who are arrayed as respondents No.2 to 4 respectively, were recorded with regard to compromise before learned Magistrate on 25.05.2016.

The statement made by Kavita Khanna-respondent No.2 before the learned Magistrate on 25.05.2016 with regard to compromise with the accused reads as under:-

“One FIR no.229 dated 6.6.2015 under section 417/419/420/120-B IPC PS A Division, Amritsar was registered against the accused Muneesh Sharma, Rajesh Sharma, Suman Sharma and Lovely Sharma at my husband's instance. Now with the intervention of respectable of the society, a compromise has been effected between us without any pressure and undue influence. The compromise is genuine and voluntary. As per the compromise, I do not want to proceed with the case further. I have no objection if the FIR no.229 dated 6.6.2015 under section 417/419/420/120-B IPC registered at PS A Division, Amritsar is quashed by the Hon'ble High Court. There is no other criminal case pending against the accused. As per my information the accused were never declared as proclaimed offenders.”

Apart from this, respondents No.3 and 4, namely, Rohit Khanna and Nitika Khanna have also made similar statements with regard to compromise before the learned Magistrate on 25.05.2016 whereby they have shown no objection to the FIR being quashed.

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.229 dated 06.06.2015 under Sections 417/419/420/120-B IPC, registered at Police Station 'A' Division, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 21.04.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

22.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.