

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-15431 of 2016

Date of Decision: 16.11.2016

Krishan Lal Dhar

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Nand Lal Sammi, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Randeep Singh, Advocate for
Mr. Vishal Munjal, 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 FIR No.46 dated 14.6.2014 under Sections 420/120-B IPC registered at P.S. Division No.1, Pathankot, District Gurdaspur (Annexure P-1) on the basis of compromise dated 2.5.2016 (Annexure P-2).

This Court vide order 9.5.2016 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before learned Additional Chief Judicial Magistrate, Pathankot and got their statements recorded. Learned Magistrate has forwarded his report dated 30.5.2016 to the effect that the statements so recorded are not the result of any pressure, coercion or undue influence and thus, the compromise is genuine and valid. Though the statement of the Karan Singh was not accompanied with the report of the learned Magistrate, however, learned counsel for the petitioner has produced a copy of the same, which read as under:-

“Statement of Sh. Karan Singh aged 54 years s/o Sh. Randhir Singh s/o Bisakha Singh, R/o House No.4-B, Indria Colony, Pathankot along with counsel Sh. Sumit Pathania, Advocate on SA.

Due to intervention of respectables from both sites, I voluntarily, without any pressure without any side have arrived at compromise with Sh. Krishan Lal Dhar s/o Niranjana Nath Dhar and Sunil Dhar s/o Sh. Krishan Lal Dhar, both residents of C-17, Ashoka Enclave-II, Sector 37, Faridabad. Copy of written compromise is Ex.C-1. This compromise is genuine, voluntary and without any coercion or undue influence. I have also received the demand draft dated 16.5.2016 amounting to Rs.4,25,000/- drawn on J&K Bank drawee branch Pathankot bearing draft No.074978 and copy of the same is Ex.C-2. I have no objection if the present FIR No.46 dated 14.6.2014 under Sections 420/120-B IPC, Police Station Division no.1, Pathankot and all subsequent proceedings arising there are quashed.

RO & AC

*Kewal Krishan
ACJM, PTK, 25.5.2016.”*

Learned counsel for the respondent no.2/complainant as well as learned State counsel have not disputed the factum of the compromise between the parties.

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.

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.46 dated 14.6.2014 under Sections 420/120-B IPC registered at P.S.Division No.1, Pathankot, District Gurdaspur (Annexure P-1) is quashed *qua* the petitioner, in view of compromise dated 2.5.2016 (Annexure P-2).

November 16, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No