

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14927 of 2015
of decision: 15.01.2016

Vikrant Sharma @ Sonu

-----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Parvesh Sachdeva, Advocate for the petitioner(s).

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

None for respondent No.2/complainant-Ankush Kumar.

HARI PAL VERMA, J.

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.42, dated 11.04.2015, for offence under Section 454 and 380 IPC, registered at Police Station, City Fazilka, District Fazilka (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of panchayat compromise dated 18.04.2015 (Annexure P-2).

This Court vide order dated 31.10.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to the compromise and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 31.10.2015, the parties have appeared before learned Chief Judicial Magistrate, Fazilka and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 27.11.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine.

The statement of the complainant-respondent No.2, namely, Ankush Kumar aged 24 years son of Sudhir Kumar, reads as under:-

“Stated that the present FIR No.42 dated 11.04.2015 u/s 454/380 of IPC of PS City Fazilka was registered on my statement against accused Vikrant Sharma alias Sonu s/o Mangat Ram Sharma r/o Khatika Wali Gali, Gandhi Nagar, Fazilka PS City Fazilka Tehsil and District Fazilka. I have compromised with the accused/petitioner namely Vikrant Sharma alias Sonu s/o Mangat Ram Sharma r/o Khatika Wali Gali, Gandhi Nagar, Fazilka PS City Fazilka Tehsil and District Fazilka. This compromise has been arrived at without any undue influence pressure out of free will voluntarily at my own due to intervention of the respectables, relatives and fellow friends. I have no further grudge remained against the accused/petitioner. We want to live peaceful life without any grievance against each other and have already settled all the matters between us, so I do not want to pursue against the accused/petitioner further more. The accused/petitioner has already filed a quashment petition before the Hon'ble Punjab and Haryana High Court, Chandigarh which has been registered as CRM-M-14927 of 2015. I have no objection if the proceedings of present case against the accused/petitioner be quashed and he be discharged from the present case also

RO & AC
Sd/- Ankush Kumar

Sd/-
(Kulbhusan Kumar)
Chief Judicial Magistrate
Fazilka/ 27.11.2015”

Apart from the statement of the complainant-respondent No.2- Ankush Kumar, 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 counsel for the State 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.42, dated 11.04.2015, for offence under Section 454 and 380 IPC, registered at Police Station, City Fazilka, District Fazilka (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed, qua the petitioner, in view of the compromise dated 18.04.2015(Annexure P-2).

15.01.2016

Anjal

[HARI PAL VERMA]
JUDGE