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

CRM-M-16160-2016

Date of decision:07.09.2016

Sunny Kumar @ Shani Kumar and another ... Petitioners

versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Hitesh Sood, Advocate,
for Mr. Raman Mohinder Sharma, Advocate,
for the petitioners.

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

Mr. Kushagra Mahajan, 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 F.I.R. No.156 dated 14.09.2011 (Annexure P-1) under Sections 420/120-B IPC and Section 406 IPC added lateron, registered at Police Station Kotwali Nabha District Patiala and all subsequent proceedings arising therefrom on the basis of compromise dated 08.02.2016 (Annexure P-2).

This Court vide order dated 11.05.2016 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 Sub Divisional Judicial Magistrate, Nabha and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted the report dated 10.06.2016 to the effect that the compromise effected between parties is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Gurwinder Singh has made his statement with regard to compromise before learned Magistrate on 06.06.2016. The same is being reproduced as under:-

“I am the complainant in this case and it is on my statement that present FIR was registered. Now, I have effected a compromise with the accused and as per the compromise the accused persons have agreed to make the payment of Rs.1,50,000/- to me. Out of this amount a sum of Rs.50,000/- has been paid to me in cash and in lieu of making the remaining payment of Rs.1,00,000/- the accused has given me motorcycle make Bullet having the value of Rs.50,000/- which he will transferred in my favour, the rest of the payment of Rs.50,000/- has been paid to me by the accused in the shape of post dated cheque bearing No.85839 dated 02.08.2016 payable at IDBI Bank Branch Tripuri. As the matter stands finally settled between me and the accused I do not have objections if the present criminal proceedings are quashed against the accused. My father Sarja Singh who is also one of the witness in the present case is seriously ill and is confined to bed and is not in position to move out. His statement is only regarding the making of payment regarding which I have already effected compromise. The witness Satpal can not come since he is out of country and not likely to return. He is witness only regarding making the payment, regarding which I have effected compromise.”

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

In view of the above, no useful purpose would be served to

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.156 dated 14.09.2011 (Annexure P-1) under Sections 420/120-B IPC and Section 406 IPC added lateron, registered at Police Station Kotwali Nabha District Patiala and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 08.02.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

07.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.