

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

CRM-M-16346 of 2015

Date of decision: 08.04.2016

Dharminder Singh

----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. G.S. Jagpal, Advocate for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.73 dated 13.04.2013 under Section 420 IPC as well as Section 12 of Passport Act, 1967, registered at Police Station Division No. 4, Distt. Jalandhar City (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 17.11.2014 (Annexures P-2 & P-3).

This Court vide order dated 04.12.2015 and 29.02.2016, had directed the parties to appear before the Illaqa Magistrate/trial Court on 30.03.2015 to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to

submit its report along with the statements of the parties qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 29.02.2016, the parties have appeared before learned Chief Judicial Magistrate, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 04.04.2016 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 no one is present on behalf of respondent No.2, namely, *Rajinder Kaur wife of Dharminder Singh*, but no prejudice would be caused to her, as she has already suffered a statement before learned Magistrate on 30.03.2016.

The statement made by the complainant-respondent No.2, namely, *Rajinder Kaur wife of Dharminder Singh*, reads as under:-

"Stated that I have lodged an FIR No.73 dated 13.04.2013 under Sections 420 IPC and 12 of Passport Act 1967 at P.S. Division No.4, Jalandhar against accused Dharminder Singh S/o Bara Singh R/o 200, Isharpuri, Model Colony, 120 feet Road, Near Urban Estate, Phase-II, Jalandhar, but now with the intervention of respectables the matter has been voluntarily compromised with accused mentioned above out of my free will, without any pressure, coercion, undue influence and inducement etc. from any side. The compromise with the accused person is genuine and photocopy of the compromise deed is Ex. C-1. The accused has filed quashing petition no. CRM-M-16346 of 2015 before Hon'ble High Court on the basis of compromise which is fixed for 08.04.2016. Now I have no grudge against the accused person. So I do not want to proceed with the present case and I have no objection if the present FIR be quashed against the

accused person. I have also placed on record copy of my Adhaar Card as Ex. C-2 as my identity proof (original seen and returned.)

Apart from the statement of the complainant-respondent No.2-Rajinder Kaur, whereby she 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 into 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.73 dated 13.04.2013 under Section 420 IPC as well as Section 12 of Passport Act, 1967, registered at Police Station Division No. 4, Distt. Jalandhar City (Annexure P-1) and all other consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of compromise dated 17.11.2014 (Annexures P-2 & P-3).

08.04.2016
Anjal

[HARI PAL VERMA]
JUDGE