

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

**Criminal Misc. No. M-18893 of 2016
Date of Decision:-23.09.2016**

Mohit Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

Mr. Gagandeep Singh Simble, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.125 dated 26.7.2014, under Section 420 IPC and Section 12 of the Passport Act, registered at Police Station E-Division, Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 27.5.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 27.5.2016, the parties have appeared before the learned Magistrate on 15.7.2016 for getting their statements recorded.

The report dated 2.8.2016 received from the learned Additional Chief Judicial Magistrate, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Ekta alias Mahi before the ACJM, Amritsar, on 15.7.2016 reads as under :-

“Stated that one FIR bearing No.125 dated 26.7.2014 under Section 420 IPC and 12 Passport Act registered at P.S.E. Division, Amritsar against accused Mohit Kumar. Now with the intervention of respectables, compromise has been effected between me and accused. Said compromise has been effected voluntarily, without any pressure, coercion, or undue influence. I do not have any objection if the said FIR is quashed against the accused by the Hon'ble High Court.”

Learned counsel for the petitioner states that apart from the fact that the petition has been filed for quashing of FIR on the basis of compromise, the petitioner who is husband and the complainant, who is wife have started residing together.

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties and the fact that petitioner and complainant are residing together.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between

the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.125 dated 26.7.2014, under Section 420 IPC and Section 12 of the Passport Act, registered at Police Station E-Division, Amritsar and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

September 23, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No