

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

CRM-M-20693 of 2015
Date of decision: 02.03.2016

Rakesh Kumar Mehta and another

----Petitioner (s)

V/s

State of Punjab & others

-----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. H.S. Dhindsa, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Ashish Grover, Advocate
for respondent No.4-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.21, dated 20.02.2014 under Sections 406 and 420 IPC, (Annexure P-1), registered at Police Station, Division No.8, Distt. Jalandhar, and all consequential proceedings arising therefrom, on the basis of compromise dated 11.06. 2015 (Annexure P-2).

This Court vide order dated 17.11.2015 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report about the genuineness of the compromise.

Pursuant to the aforesaid order dated 17.11.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 29.02.2016 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.

The statement suffered by the complainant-respondent No.4, namely, *Manmohan Gupta* son of Vijay Kumar Gupta, before the Magistrate on 18.01.2016, reads as under:-

"Stated that on my statement FIR No.21 dated 20.02.2014 under Sections 406, 420 IPC at P.S. Division no.8, Jalandhar was registered against accused Rakesh Kumar Mehta and Surjit Singh both resident of H. No.E52, Focal Point, Jalandhar. Now with the intervention of respectables of society, compromise has been effected with the above said accused persons namely Rakesh Kumar Mehta and Surjit Singh. The copy of said compromise is genuine and effected voluntarily with my free will and without any kind of pressure, threat, coercion, force or undue influence from any quarter. The above said accused persons have filed a quashing petition bearing CRM-M-20693 of 2015 before Hon'ble Punjab and Haryana High Court on the basis of compromise. So in view of the voluntary compromise with the above said accused persons, I do not want to proceed with the present FIR. Now I have no grudge against the accused and I have no objection if the present FIR be quashed against the above said accused persons namely Rakesh Kumar Mehta and Surjit Singh. I have also placed on record photo copy of my driving licence and certificate of Importer/Exporter Code Ex. C2 and Ex.C3 respectively as my identity proof. There are only two accused arrayed in the present FIR and no accused is proclaimed offender/person in this case nor anyone is

absconding. I also identify the accused present in the Court.”

Apart from the statement of the complainant-respondent No.4-*Manmohan Gupta*, 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 respondent No.4-complainant as well as learned counsel for the State, on instructions from ASI-Amrik Singh does not dispute the factum of compromise effected 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.21, dated 20.02.2014 under Sections 406 and 420 IPC, (Annexure P-1), registered at Police Station, Division No.8, Distt. Jalandhar, and all other consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 11.06. 2015 (Annexure P-2).

02.03.2016

Anjal

**[HARI PAL VERMA]
JUDGE**