

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

CRM-M-24800 of 2016.
Decided on:-17.11.2016.

Ram Lal and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. H.K. Brinda, Advocate
for the petitioners.

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

Mr. Hem Raj Bhardwaj, Advocate
for the respondent No.3-complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.100 dated 6.7.2011 under Sections 465/468/471 IPC (Section 120-B IPC added subsequently) registered at Police Station City Rupnagar, Tehsil and District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 8.7.2016 (Annexure P-2).

This Court vide order dated July 25, 2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Chief Judicial Magistrate, Rupnagar and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted her report dated 14.9.2016 to the effect that the parties have entered into compromise with their own sweet will, without any inducement and coercion. Learned Magistrate has further reported that accused Shiv Kumar has been declared as proclaimed offender vide order dated 8.8.2012.

Learned counsel for the petitioners states that the main allegation is against respondent No.4-accused Shiv Kumar, who has already been declared as proclaimed offender by the trial Court. Therefore, the present petition has been filed by petitioners Ram Lal and Tripta Devi seeking quashing of the FIR on the basis of compromise.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for respondent No.3-complainant.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.3-complainant Pomy Soni has been recorded by learned Magistrate on 31.8.2016. Said statement of respondent No.3-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“Stated that FIR No.100 dated 6.7.2011 under Section

465/468/471/120B IPC was lodged at PS City Rupnagar against Ram Lal, Tripta Devi and Shiv Kumar accused present in the court today except accused Shiv Kumar. During trial of the present case I have compromised the matter with the accused and the written compromise is annexure P2 i.e. already submitted before the Hon'ble High Court in CRM-M-24800 of 2016. Now I have no grudge against the accused present in the court and all the differences and misunderstanding qua the accused present in the court have been resolved/removed. I have compromised the matter with my own sweet will without any inducement, threat or coercion from any party including the accused. On the basis of aforesaid compromise Ram Lal and Tripta Devi have filed CRM-M-24800 of 2016 before the Hon'ble High Court for seeking quashing the present FIR and subsequent proceeding thereto, I do not have any objection if the present FIR and subsequent proceeding thereto, may be quashed and Ram Lal and Tripta Devi may be acquitted in the present case. Photocopy of my Adhaar Card is Ex.PX.”

In view of the above, no useful purpose would be served to continue with the proceedings qua the petitioners before the trial Court in the instant F.I.R.

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 FIR No.100 dated 6.7.2011 under Sections 465/468/471 IPC (Section 120-B IPC added subsequently)

registered at Police Station City Rupnagar, Tehsil and District Rupnagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners, namely, Ram Lal and Tripta Devi on the basis of compromise dated 8.7.2016 (Annexure P-2) effected between the parties.

November 17, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No