

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

CRM-M-25975 of 2015
Date of decision: 05.12.2016

Tarninder Singh

----Petitioner (s)

V/s

State of U.T. and another

-----Respondent(s)

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

Present:- Mr. Akashdeep Singh, Advocate for the petitioner.

Mr.A.S. Sullar, APP, UT, Chandigarh.

Mr.H.S. Randhawa, Advocate for
Mr.P.S. Ahluwalia, 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 FIR No.262 dated 15.09.2014 under Sections 406 and 420 IPC, registered at Police Station Sector-17, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 19.09.2014 (Annexure P-2).

This Court vide orders dated 11.08.2015 and 19.10.2016 had directed the parties to appear before Illaqa Magistrate/ trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid orders, the parties have appeared before learned Chief Judicial Magistrate, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 15.11.2016 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 made by complainant-respondent No.2-Sh. Bharat Bhushan Sharma before the learned Magistrate on 11.11.2016, reads as under:-

“I have entered into compromise with accused-petitioner Sh. Tarninder Singh son of Sh. Manohar Singh in case FIR No.262 dated 15.9.2014 u/s 406, 420 IPC, PS Sector 17, Chandigarh in order to settle the dispute amicably and compromise has already been produced before the Hon'ble High Court. I have signed the compromise voluntarily. In view of the compromise, present FIR may be quashed. Compromise has been effected with my own free will and consent and without any coercion or undue pressure. Above FIR was registered against two persons i.e. Sh. Manohar Singh and Sh. Tarninder Singh and I have been told by Sh. Tarninder Singh that Sh. Manohar Singh has expired.”

Apart from the statement made by respondents No.2, 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 appearing for APP UT, Chandigarh, as well as learned counsel for respondent No.2 do not dispute the factum of compromise entered 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.262 dated 15.09.2014 under Sections 406 and 420 IPC, registered at Police Station Sector-17, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 19.09.2014 (Annexure P-2).

05.12.2016

Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned?***Yes******Whether reportable?******Yes/No***