

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

CRM-M-26950 of 2016.
Decided on:-22.12.2016.

Gurdeep Kumar @ Pappu and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. A.S. Brar, Advocate for
Mr. Davinder Bir Singh, Advocate
for the petitioners.

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

Mr. Manbir Singh, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.152 dated 7.6.2014 under Sections 420, 170 and 120-B IPC (offence under Sections 419, 467, 468 and 471 IPC added later on) registered at Police Station Jodhewal, District Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 1.8.2016 (Annexure P-2).

This Court vide order dated September 20, 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 Judicial Magistrate 1st Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 28.10.2016 to the effect that the compromise has been effected between the parties with their free consent and without any inducement or threat of any person.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for respondents No.2 and 3.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Jiwan Dass has been recorded by learned Magistrate on 19.10.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“Stated that the FIR No.152 dated 07.06.14 was registered on my statement against accused Gurdeep Kumar etc. at P.S. Basti Jodhewal, Ludhiana. Now with the intervention of relatives and respectables, compromise has been effected between the parties with their free volition without any coercion of undue influence on any person. The said compromise was reduced into writing in the shape of Ex.PA. I identify my signatures on photocopy of compromise deed Ex.PA. Now no grudge or enmity remains between the parties. In view of compromise the parties have already approached the Hon'ble Punjab and Haryana High Court for quashing the FIR No.152 dated 07.06.14. I have no objection if the present FIR be

disposed of in view of compromise voluntarily entered between the parties, original of which attached with the petition for quashing the FIR ”

Similar statement has also been recorded by learned Magistrate on 19.10.2016 of respondent No.3 Darshan Lal, who is eye-witness of the occurrence.

In view of the above, no useful purpose would be served to continue with the proceedings 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.152 dated 7.6.2014 under Sections 420, 170 and 120-B IPC (offence under Sections 419, 467, 468 and 471 IPC added later on) registered at Police Station Jodhewal, District Ludhiana City (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise deed dated 1.8.2016 (Annexure P-2).

December 22, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No