

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

CRM-M-27132 of 2016

Date of decision: 29.11.2016

Utpal Prasar

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Ms.Amanpreet Kaur, Advocate for
Ms.Harpinder Kaur Sandhu, Advocate for the petitioner.

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

None for respondent No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.16 dated 11.01.2011 under Sections 406, 420, 467, 468 and 471 IPC, registered at Police Station Kotwali Patiala, District-Patiala (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 01.09.2014(Annexure P-2).

This Court vide order dated 09.08.2016 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 order dated 09.08.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Patiala and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 16.09.2016 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.

Though, today nobody is present on behalf of respondent No.2-complainant-*Hitesh Sharma*, but no prejudice would be caused to him, as he has already suffered a statement with regard to the compromise before learned Magistrate on 09.09.2016. The said statement reads as under:-

“I have lodged a FIR bearing No.16 dated 11.1.2011 u/s 406/420/467/468/471 IPC in P.S. Kotwali, Patiala against Utpal Prashar son of Late Sh. Lalit Chander Prashar, r/o B-16/256, Mohalla Jee-raj, Shahi Samadha Road, Patiala. The trial of the case is pending in this court and now, the matter in dispute has been compromised between us with the intervention of respectable and I do not want to pursue the present FIR against the accused Utpal Prashar. The compromise has been effected between us without any pressure and photocopy of compromise is Mark X. For this purpose, I and accused have moved to Hon'ble High Court for quashing the FIR. There is no other accused arrayed in the present FIR except Utpal Prashar and no accused has been declared proclaimed offender by any court of competent jurisdiction in this case.

I have entered into this compromise voluntarily, without any coercion, fear or pressure. No criminal proceeding is pending against parties in any other case. I have no objection if the FIR in question is quashed.”

Apart from the statement of the complainant-respondent 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 State counsel does 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.16 dated 11.01.2011 under Sections 406, 420, 467, 468 and 471 IPC, registered at Police Station Kotwali Patiala, District-Patiala(Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 01.09.2014 (Annexure P-2).

29.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? ***Yes***

Whether reportable? ***Yes/No***