

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

CRM-M-27777 of 2016

Date of decision: 29.11.2016

Ashok Ratti and others

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Sanjeev K. Virk, Advocate for the petitioners.

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.159 dated 29.07.2016 under Sections 420, 406 IPC and Section 24 of Immigration Act, registered at Police Station Tanda, District-Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 04.08.2016(Annexure P-2).

This Court vide order dated 11.08.2016 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 11.08.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Dasuya and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 04.11.2016 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.

Though, today nobody is present on behalf of respondent No.2-complainant-*Iqbal Singh*, but no prejudice would be caused to him, as he has already suffered a statement with regard to the compromise before learned Magistrate on 13.09.2016. The said statement reads as under:-

“Stated that in FIR No.159 dated 29.7.2016 a compromise has been effected between myself and accused Jaspal Singh, Ashok Ratti and Deepak Kumar, and on behalf of Harpreet Kumar through Onkar Training Test Centre Pathankot Road, Jalandhar. I have seen the original compromise dated 4.8.2016 and I identify the signatures on the same. The contents of the compromise were read over and after admitting the same to be correct, I have signed the same. The said compromise was executed by me with the accused party with my sound disposing mind, free will and without any undue influence, coercion or pressure from anyone. There are total four accused in the present case namely Deepak Kumar, Jaspal Singh, Ashok Ratti and Harpreet Kumar. No accused has been declared proclaimed offender. The compromise is Ex.C1. As per the compromise, I have settled the dues with all the four accused. Now nothing is due against anyone. On the basis of compromise above accused have filed a quashing petition bearing CRM-M-No.27777 of 2016 before the Hon'ble Punjab & Haryana High Court. We are bound to the terms and condition of said compromise in above titled petition pending before the Hon'ble Punjab & Haryana High Court and I have no objection if the present FIR be quashed against the accused Jaspal Singh, Ashok Ratti and Deepak Kumar and on behalf of Harpreet Kumar.”

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.159 dated 29.07.2016 under Sections 420, 406 IPC and Section 24 of Immigration Act, registered at Police Station Tanda, District-Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 04.08.2016 (Annexure P-2).

29.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

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

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