

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

CRM-M-30740 of 2016.
Decided on:-30.09.2016.

Vivek Mehra and another

.....Petitioners.

Versus

The State of Punjab and another

.....Respondents.

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

Present:- Mr. Balbir Singh Jaswal, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab
for the respondent-State.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.05 dated 07.01.2015 under Section 420 read with Section 34 IPC registered at Police Station Civil Lines, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.11.2015 (Annexure P-2).

This Court vide order dated September 01, 2016 had directed the parties to appear before the trial Court to get recorded their statements regarding compromise and the trial 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, Amritsar and got their statements

recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 19.9.2016 to the effect that the compromise is genuine, voluntary and out of free will of the parties.

The factum of compromise between the petitioners and respondent No.2-complainant has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Sushil Bansal has been recorded by learned Magistrate on 15.9.2016. 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 on my statement one FIR No.05 dated 07.07.2014 under Section 420/34 IPC was registered against Shiv Mehra widow of Sh. Surinder Chand Mehra, r/o Kothi No.10 Albert Road, Ratnagiri, Amritsar and Vivek Mehra s/o late Rajinder Chand Mehra, r/o Kothi No.10 Albert Road, Yasin Road, Ratnagiri, Amritsar in the Police Station Civil Line, Amritsar. Now the matter has been compromised with the intervention of the respectable. If the said FIR is quashed against above said accused person then I have no objection regarding the same. No other FIR or criminal case is pending against me.”

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.05 dated 07.01.2015 under Section 420 read with Section 34 IPC registered at Police Station Civil Lines, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise dated 04.11.2015 (Annexure P-2) effected between the parties.

September 30, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No