

267.

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

CRM-M No.3228 of 2016

Date of decision:13.07.2016

Gurdeep Singh

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurmeet Singh, Advocate,
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. Nirmaljit Singh Sidhu, Advocate,
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not ?
3. Whether the judgment should be reported in the digest ?

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.4, dated 05.01.2016 under Sections 406, 420 of IPC, registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise by way of affidavit dated 23.01.2016 (Annexure P-2).

This Court vide order dated 21.04.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Khanna, and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted her report dated 17.05.2016 to the effect that compromise has been entered into voluntarily and without any pressure or coercion upon the parties.

Perusal of the statements of petitioner Gurdeep Singh and respondent No.2-complainant, namely, Jagdeep Singh reveal that the matter has been compromised between them and they do not have any grudge against each other and there is no dispute pending between the parties.

Respondent No.2-complainant made the following statement before the learned Magistrate on 10.05.2016:-

“I am agree with the above said cancellation report produced by HC Rachpal Singh, P.S. Sadar Khanna and I have no objection of the present cancellation report be accepted. I do not want to further with the present cancellation report.”

Learned counsel for the respondent No.2-complainant states that though statement of the complainant has been recorded that he has no objection in case the cancellation report is accepted, however, the very object of the statement is that the respondent No.2-complainant has no objection, in case, the FIR, in question, is quashed.

Learned State counsel, on instructions from ASI, Avtar Ali, has not disputed the factum of compromise between the petitioner and respondent No.2-complainant.

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 F.I.R. No.4, dated 05.01.2016 under Sections 406, 420 of IPC, registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of affidavit dated 23.01.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.07.2016
sanjeev