

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

CRM-M-31769 of 2015

Date of decision: 30.03.2016

Satinder Sharma & others

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

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

Present:- Mr. Jasraj Singh, Advocate for
Mr.Alok Mittal, Advocate for the petitioners.

Mr. R.S. Nain, AAG, Punjab.

Mr. Saurabh Bhardwaj, Advocate
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.214, dated 20.06.2014, for the offences punishable under Sections 120-B, 406 and 420, IPC registered at Police Station, Tripri Town, Patiala (Annexure P-1), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 31.08.2015 (Annexure P-2).

This Court vide order dated 17.09.2015 had directed the parties to appear before the learned Chief Judicial Magistrate,

Patiala on 05.10.2015 to get their statements recorded with regard to compromise and the learned Magistrate was directed to submit a detailed report qua the genuiness of the compromise along with the copies of the statements of the parties.

Pursuant to the aforesaid order dated 17.09.2015, the parties have appeared before learned Chief Judicial Magistrate, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 08.10.2015 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.

The statement suffered by complainant-respondent No.2, namely, *Harbhajan Kaur* widow of late Gurmukh Singh with regard to validity of the compromise before learned Magistrate on 05.10.2015, reads as under:-

“The present FIR was lodged by me against Satinder Sharma son of Rajinder Parshad, Rajinder Parshad son of Kulwant Rai Sharma and Shakuntla Devi wife of Rajinder Parshad all residents of House no.13/1649 Near Ravi Dass Dharamshala, Ravi Basti, Barnala. The matter has been compromised with the accused persons and deed of compromise was executed on 1.9.2015 which is signed by me and accused persons in the presence of witnesses, which was got attested from Sh. Raghbir Singh Notary Public Patiala, copy of which is Ex. CA. I have already received a sum of Rs.One lac from accused persons through demand draft dated 31.08.2015 and a sum of Rs.146000/- is payable as balance amount out of total amount settle between the parties. I have received a sum of Rs.120000/- through demand draft number 436737 dated 03.10.2015 drawn on State Bank of Patiala issuing branch Barnala, which has been handed over to me in the Hon'ble Court today and the copy of demand draft is Ex.CB and a sum of Rs.26,000/- has also been received in cash by me in the Hon'ble Court from the accused

persons and now nothing remains due against accused persons. Thus the FIR may kindly be ordered to be quashed as per compromise. The matter was compromised with intervention of respectables without any pressure or coercion and with my free will and now hence forth neither I nor the accused persons will institute any litigation regarding the present FIR/compromise matter against each other. I have no objection if the quashing petition filed by accused persons before the Hon'ble High Court bearing CRM-M 31769 of 2015 is accepted. I undertake to remain bound with my statement."

Apart from the statement of the complainant-respondent No.2-Harbhajan Kaur, whereby she 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.

Mr. Saurabh Bhardwaj, Advocate has put in appearance on behalf respondents No.2-complainant and filed Power of Attorney in Court today, which is taken on record. He admits the factum of compromise arrived at between the parties.

Learned counsel for the State has also not disputed the factum of compromise arrived at 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.214, dated 20.06.2014, for the offences punishable under Sections 120-B, 406 and 420, IPC registered at Police Station, Tripri

Town, Patiala (Annexure P-1), and all the consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 31.08.2015 (Annexure P-2).

30.03.2016

Anjal

**[HARI PAL VERMA]
JUDGE**