

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

CRM-M-32325 of 2015

Date of decision: 28.01.2016

Amit Mahajan and 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. Vishal Munjal, Advocate for the petitioner.

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

Mr. Rajbir Singh Rawat, Advocate for respondent no.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.13, dated 20.01.2015, for the offences punishable under Sections 419, 420 and 120-B IPC, registered at Police Station, Division No.2, District-Pathankot(Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of the compromise/settlement dated 04.03.2015(Annexure P-2) arrived at between the parties before the Mediation Centre, District Courts, Pathankot.

This Court vide order dated 21.09.2015 had directed the parties to appear before the Area Magistrate to get their statements recorded with regard to the compromise and the Area Magistrate was directed to submit its report qua the genuiness of the compromise along with copies of the statements of the

parties.

Pursuant to the aforesaid order dated 21.09.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Pathankot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 16.11.2015 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 of the complainant-respondent No.2, namely, Neha Saini wife of Amit Kumar, reads as under:-

“ That I had lodged FIR No.13 dt. 20.01.2015 U/s. 419/420/120-B IPC, PS Division No.2, Pathankot, against the accused Amit Mahajan son of Narinder Kumar Mahajan, resident of House no.44, Street No.6, Tehsil Pura New Abadi Amritsar, District Amritsar, accused Chand Keerti Mahajan @ Keerti Chand, wife of Narinder Kumar Mahajan, resident of House No.44, Street No.6, Tehsil Pura New Abadi Amritsar, accused Narinder Kumar Mahajan son of Pirthi Raj, resident of House no.44, Street no.6, Tehsil Pura New Abadi Amritsar that I have compromised/settled the matter with accused before the Mediation Centre dated 04.03.2015. I have no objection if the FIR no.13 dt.20.01.2015 U/s. 419/420/120-B IPC, PS Division No.2, Pathankot is quashed. That I am the complainant in the said FIR and today I am giving my statement out of my free will and consent, without any coercion and there is no pressure on me.

RO & AC
Sd/- Neha Saini

Sd/-
(Rajinder Singh, PCS)
Judicial Magistrate, Ist Class,
Pathankot/10.11.2015”

Apart from the statement of the complainant/respondent No.2- Neha Saini, 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.

Learned counsel for the State as well as learned counsel for respondent No.2-complainant do 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.13, dated 20.01.2015, for the offences punishable under Sections 419, 420 and 120-B IPC, registered at Police Station, Division No.2, District-Pathankot(Annexure P-1) and all the consequential proceedings arising therefrom qua the petitioners, are quashed, in view of the compromise/settlement dated 04.03.2015(Annexure P-2).

28.01.2016
Anjal

[HARI PAL VERMA]
JUDGE