

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

CRM-M-35638 of 2015

Date of decision: 17.03.2016

Sandeep Kamal & 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. Joginder Pal Ratra, Advocate for the petitioners.

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

Mr. Munish Raj, Advocate for respondent
No.2/complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.169 dated 22.08.2015 under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station, Rajpura City, District Patiala (Punjab) (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 01.09.2015(Annexure P-2).

This Court vide order dated 06.01.2016 had directed the parties to appear before the learned Sub Divisional Judicial Magistrate, Rajpura on 15.01.2016 to get their statements recorded with regard to compromise and the learned Magistrate was directed to submit its report qua the genuiness of the compromise along with the statements of the parties.

Pursuant to the aforesaid order dated 06.01.2016, the parties have appeared before learned Sub Divisional Judicial Magistrate, Rajpura, Distt. Patiala (Punjab) and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 01.02.2016 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.

Learned counsel for respondent No.2/complainant, namely, Sanjeev Kumar son of Sh. Lajpat Raj admits the factum of compromise effected between the parties.

The statement suffered by respondent No.2/complainant, namely, Sanjeev Kumar son of Sh. Lajpat Raj with regard to validity of the compromise before learned Magistrate on 15.01.2016, reads as under:-

“Stated that I got registered FIR No.169 dated 22.08.2015, under section 420, 465, 467, 471, 120-B of IPC, P.S. City Rajpura against Sandeep Kamal son of Lajpat Rai, Santosh Kamal wife of Lajpat Rai, Rajesh Kumar son of Sant Lal Kumar and Pradeep Kamal son of Jagdish Chand. Now the matter has been compromised on intervention of respectables and a written compromise dated 01.09.2015 Annexure P-2 has been executed, which is without any pressure, coercion or inducement from anybody which has already been attached with quashing petition before the Hon'ble High Court. The compromise has been effected with the accused persons without any pressure or coercion in any manner and same is result of our free will. Both the parties shall bound that we will not file any case against each other regarding our properties. There is no other case pending between us in any Court. I do not want to further proceed with the above said FIR and I have no objection in case the FIR in question be quashed.

Apart from the statement of the complainant-respondent No.2-*Sanjeev Kumar*, 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 counsel for the State also 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.169 dated 22.08.2015 under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station, Rajpura City, District Patiala (Punjab) (Annexure P-1), and all other consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 01.09.2015(Annexure P-2).

17.03.2016
Anjal

[HARI PAL VERMA]
JUDGE