

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

CRM-M-39204 of 2015
Date of decision: 20.05.2016

Sandeep

----Petitioner (s)

V/s

State of Haryana & 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.Gaurav Gupta, Advocate for the petitioners.

Mr. Manish Banal, DAG, Haryana.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.41 dated 06.02.2015 under Sections 406 and 420 IPC, registered at Police Station Safidon, District Jind (Annexure P-1), on the basis of compromise/affidavit of the complainant dated 25.09.2015 (Annexure P-2).

This Court vide order dated 19.11.2015 had directed the parties to appear before the Illaqa Magistrate/Chief Judicial Magistrate, Jind on 21.12.2015 or any other date convenient to the Magistrate to get their statements recorded with regard to compromise and the Illaqa Magistrate/Chief Judicial Magistrate was

directed to submit its report alongwith statements fo the parties qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 19.11.2015, the parties have appeared before learned Sub Divisional Judicial Magistrate, Safidon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 11.01.2016 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.

Though, today no one is present on behalf of respondent No.2-complainant, namely, *Jaipal Son of Banwari Lal*, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 11.01.2016. The said statement, reads as under:-

"Stated that I had got registered FIR No.41 dated 6.2.2015, under Section 406, 420 IPC at Police Station Safidon against accused Sandeep son of Rameshwar. Now, the matter has been settled amicably. I have no grievance against accused. I have suffered the statement without any pressure or coercion in any manner. The compromise has been voluntarily effected between the parties. I have already withdrawn complaint under section 138 of Negotiable Instrument Act registered as complaint No.105-2 of 15.6.2015. As on today, no criminal proceedings are pending against me. I have no objection if the FIR is quashed."

Apart from the statement of the complainant-respondent No.2, 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 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.41 dated 06.02.2015 under Sections 406 and 420 IPC, registered at Police Station Safidon, District Jind (Annexure P-1), is quashed, qua the petitioner, in view of the compromise/affidavit of the complainant dated 25.09.2015 (Annexure P-2).

20.05.2016

Anjal

**[HARI PAL VERMA]
JUDGE**