

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

CRM-M-41 of 2016
Date of decision: 11.05.2016

Ashu Thapar

----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 Liyaqat Ali, Advocate for the petitioner.

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

None for respondent No. 2.

HARI PAL VERMA, J.(Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.116, dated 20.04.2015, under Sections 406/420/120-B IPC, registered at Police Station City Khanna, District-Khanna (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of compromise/affidavit of respondent no.2 dated 29.06.2015(Annexure P-2).

This Court vide order dated 07.01.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court on 22.01.2016 to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to

submit its report qua the genuiness of the compromise. Since the parties had failed to appear before the Illaqa Magistrate/trial Court on 22.01.2016, this Court vide order dated 10.03.2016, again directed the parties to appear before the Illaqa Magistrate/trial Court on 01.04.2016 to get their statements recorded.

Pursuant to the aforesaid orders, the parties have appeared before learned Addl. Civil Judge (Sr. Divn.)-Cum-SDJM and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 22.04.2016 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. Report further reveals that statement on behalf of complainant/respondent No.2-Ashwani Kansal, was made by Ram Pal Mittal son of Ajmiyat Lal, resident of Shop No. 145, New Anaj Mandi, Kurukshetra, Tehsil Thanesar Distt. Kurukshetra, to whom he has given General Power of Attorney dated 25.07.2016.

Though, today no one is present on behalf of respondent No.2/complainant, namely, Ashwani Kansal, but no prejudice would be caused to him, as on his behalf, Ram Pal Mittal to whom he has given General Power of Attorney, made a statement to the effect that he has compromised the matter with the accused person with his free will and he has no objection in case the FIR in question is quashed.

Apart from the above statement of complainant-respondent No.2 through General Power of Attorney, 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, on instructions from ASI-Shayam Lal, does not dispute the factum of compromise entered into between the parties and submits that the police has already prepared the cancellation report which is being presented before the concerned Court for its acceptance.

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.116, dated 20.04.2015, under Sections 406/420/120-B IPC, registered at Police Station City Khanna, District-Khanna (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise/affidavit of respondent no.2 dated 29.06.2015(Annexure P-2).

11.05.2016**Anjal****[HARI PAL VERMA]
JUDGE**