

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

CRM-M-40682 of 2015
Date of decision: 24.02.2016

Harish Madaan & another

----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. Parvej Chug, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.105 dated 31.07.2015, under Sections 420 and 120-B IPC, registered at Police Station Gate Hakima, Amritsar City (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 04.10.2015 (Annexure P-2).

This Court vide order dated 02.12.2015 had directed the parties to appear before the learned Illaqa Magistrate on or before 14.12.2015 to get their statements recorded with regard to compromise and the learned Illaqa Magistrate was directed to submit its report about the genuineness of the compromise.

Pursuant to the aforesaid order dated 02.12.2015, the parties have appeared before learned Civil Judge, Jr. Divn.,

Amritsar, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 18.02.2016 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.

The statement made by the complainant-respondent No.2, namely, *Sanjeev Luthra* son of Ashok Kumar Luthra before the Magistrate on 24.12.2015, reads as under:-

“Stated that on my statement, FIR no.105 dated 31.7.2015 u/s 420, 120B IPC, registered at Police Station Gate Hakima, Amritsar against accused Harish Madan S/o Kuldeep Madan and Havis Madan @ Ravin Madan s/o Harish Madan. Now with the intervention of the respectables and relatives, compromise has been effected between me and accused and copy of the compromise is Ex.C1. I identity my signature on compromise Ex.C1. If Hon'ble Court acquit the accused or quash the FIR, I have no objection. I am giving my statement without any pressure, genuine, voluntarily and without any coercion or undue influence. I have no objection if the above said FIR has been quashed.

RO & AC
Sd/- Sanjeev Luthra

Sd/-
(Navreet Kaur)
JMIC/Asr.-24.12.2015.”

Apart from the above statements, whereby respondent No. 2-complainant 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 effected 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.105 dated 31.07.2015, under Sections 420 and 120-B IPC, registered at Police Station Gate Hakima, Amritsar City (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 04.10.2015 (Annexure P-2).

24.02.2016
Anjal

[HARI PAL VERMA]
JUDGE