

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

**CRM-M-9363 of 2016(O&M)**  
**Date of decision: 16.12.2016**

**Ashwani Dixit**

**-----Petitioner (s)**

**V/s**

**State of Punjab and others**

**-----Respondent(s)**

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr.N.S. Dandiwal, Advocate for the petitioner.

Mr.Sultan Singh Gill, DAG, Punjab.

Mr.Prashant Jain, Advocate for  
Ms.Anupriya Advocate for  
respondents No. 2 and 3.

Mr.Dinesh Nagar, Advocate  
for the applicants in CRM No.38501-2016.

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**HARI PAL VERMA, J.(Oral)**

**CRM No.38501-2016**

Prayer made in the instant application filed under Section 482 Cr.P.C. is for impleading the applicants, namely, Ms. Neelam Kumari daughter of Ashok Kumar, resident of Village Mahadpur, Police Station Hazipur, Distt. Hoshiarpur and Manish Kumar son of Ashok Kumar resident of C-141, Hardik Niwas, Randhawa Masandan, Jalandhar, as petitioners in the aforesaid case.

After arguing for some time, learned counsel for the applicants wishes to withdraw the instant application, however, with liberty to file independent petition seeking quashing of FIR on the basis of compromise.

Dismissed as withdrawn with liberty as aforesaid.

CRM-M-9363 of 2016

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.53 dated 20.03.2015 under Sections 406, 420, 465, 467, 468 and 471 IPC, registered at Police Station Div.No.8, Jalandhar, Distt. Jalandhar City(Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 01.01.2016 (Annexure P-2).

This Court vide order dated 16.03.2016 had directed the parties to appear before Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 16.03.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 26.04.2016 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.

The statement made by respondent No.3-Joginder Pal before the learned Magistrate on 11.04.2016, reads as under:-

*“Stated that I am working as Administrative Manager of Chinar Forge Ltd. Focal Point Jalandhar and I have got registered FIR no.53 dt. 20.03.2015 against accused Neelam Kumari, Ashwani Dixit, Munish Kumar under Section 406, 420, 465, 467, 468 and 471 IPC at PS Division No.8, Jalandhar. Now with the intervention of respectables the compromise has been effected between Sh.Sheetesh Vij Managing Director of Chinar Forge Ltd. Focal point Jalandhar and accused Ashwani Dixit Director of M/s Accord Furnishing Pvt. Ltd. Mohan Nagar, Gaziabad. The copies of said compromise deeds are Ex. C1 and Ex.C2. The said compromise*

*are genuine and effected voluntarily with free consent of the parties and without any kind of pressure, force, threat and coercion and undue influence form any quarter. So in view of the voluntarily compromise with the above said accused namely Ashwani Dixit, I do not want to proceed with the present FIR. Now we have no grudge against the accused and I have no objection if the present FIR is quashed against the above said accused Ashwani Dixit. I have also placed on record photocopy of my driving licence as Ex.C4 as my identity proof. There are only three accused namely Neelam Kumari daughter of Ashok Kumar, Ashwani Dixit son of Surinder Kumar and Munish Kumar son of Ashok Kumar arrayed in the present FIR, but compromise has been effected with accused Ashwani Dixit only. No accused is proclaimed offender person in this case nor anyone is absconding.”*

Apart from the above statement made by respondent No.3- *Joginder Pal*, similar statement was also suffered by *Sheetesh Vij son of Shital Vij* aged about 32 years, MD of *Chinar Forge Ltd.* (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

State counsel as well as learned counsel for respondents No.2 and 3 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.53 dated

20.03.2015 under Sections 406, 420, 465, 467, 468 and 471 IPC, registered at Police Station Div.No.8, Jalandhar, Disttt. Jalandhar City(Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioner in view of the compromise dated 01.01.2016 (Annexure P-2).

16.12.2016  
Anjal

[HARI PAL VERMA]  
JUDGE

|                                   |               |
|-----------------------------------|---------------|
| <i>Whether speaking/reasoned?</i> | <i>Yes</i>    |
| <i>Whether reportable?</i>        | <i>Yes/No</i> |