

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

CRM-M-13300 of 2017.
Decided on:-02.12.2017.

Paras Kaushal and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Rajdeep Singh Gill, Advocate for
 Mr. Karambir Singh Chawla, Advocate
 for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Abhishek Sharma, Advocate
for respondent No.3-complainant.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.2 dated 05.01.2013 under Sections 408, 419, 465, 467, 468, 471 and 120-B IPC registered at Police Station Division No.3, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.01.2017 (Annexure P-3) and affidavit dated 27.01.2017 (Annexure P-4).

This Court vide order dated October 06, 2017 had directed the parties to appear before the trial Court to get their respective statements

recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, petitioners-accused, namely, Paras Kaushal and Parmod Kumar as well as respondent No.3-complainant Uggar Sen Gupta have appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their statements recorded on 27.10.2017. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 27.10.2017 to the effect that the compromise has been effected between the parties is genuine and without any pressure or undue influence.

On the other hand, learned State counsel does not dispute the factum of compromise effected between the parties.

Learned counsel for respondent No.3-complainant has also admitted the factum of compromise.

The FIR in question has been recorded on the basis of statement of respondent No.3-complainant Uggar Sen Gupta. His statement made before learned Magistrate on 27.10.2017 in support of the compromise, reads as under:

“Stated that FIR bearing No.2 dated 05.1.2013 u/s 408, 420, 465, 467, 468, 471 and 120-B IPC PS Div No.3 Ldh. was registered on my complaint. The matter has been compromised between me and accused Paras and Parmod Kumar by respectable persons amicably. Copy of the compromise deed is Ex.P1 and copy of my Adhar Card Ex.P2. I have no objection if FIR bearing No.2 dated 05.1.2013 u/s 408, 420, 465, 467, 468, 471 and 120-B IPC PS Div No.3 Ldh. may kindly be quashed in view of my statement.”

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse to the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, the present petition is allowed and the FIR No.2 dated 05.01.2013 under Sections 408, 419, 465, 467, 468, 471 and 120-B IPC registered at Police Station Division No.3, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.01.2017 (Annexure P-3) and affidavit dated 27.01.2017 (Annexure P-4).

December 02, 2017

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No