

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

CRM-M-16050 of 2017 (O&M)
Decided on:-14.09.2017.

Sanjeev Malik.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Abhinav Kalia, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Ravish Bansal, Advocate
for respondent No.2.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.58 dated 11.04.2012 under Sections 420, 467, 471 and 120-B IPC registered at Police Station Dera Bassi, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deeds dated 26.03.2017, 28.03.2017 and 25.04.2017 (Annexures P-2 to P-4).

This Court vide order dated 09.05.2017 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, petitioner-accused, namely, Sanjeev Malik as well as respondent No.2-complainant Rajesh Kumar Sharma have appeared before learned Chief Judicial Magistrate, Mohali and got their statements recorded on 25.05.2017. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 31.05.2017 to the effect that the compromise has been effected between the parties is genuine, voluntary and without any coercion or undue influence.

However, due to some typing mistake, the FIR No.58 had wrongly been mentioned as FIR No.53 in the said statements. Therefore, the parties were directed to appear before the trial Court and to get the aforesaid mistake rectified vide order dated September 04, 2017 passed by this Court.

Learned counsel for the petitioner states that in pursuance of the order dated September 04, 2017 of this Court, the parties had again appeared before learned Chief Judicial Magistrate, Mohali, where their statements were again recorded on 05.09.2017. He has produced on record the certified copies of the statements of the petitioner as well as the respondent No.2. The same are taken on record.

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

Learned counsel for respondent No.2 also accepts the factum of compromise and states that the respondent No.2 has compromised the matter with the petitioner-accused. He further states that the respondent No.2 has no objection in case the FIR in question is quashed.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Rajesh Kumar Sharma. His statement made before learned Magistrate on 05.09.2017 in support of the compromise, reads as under:

“Stated that an FIR No.58 dated 11.04.2012 U/s 420, 467, 471, 120-B IPC Police Station Derra Bassi against accused Sanjeev Malik and Rajshree Malik. All the misunderstandings and grudges now ceases to exist between both the parties. Resultantly both the parties entered into mutual compromise dt.26.03.2017, 28.03.2017 and 25.04.2017 (Ex.C1, Ex.C2 and Ex.C3 respectively), in order to bring to an end the aforesaid criminal case to settle down peacefully and amicably in future jointly. No misunderstanding or grudge is pending between us. This compromise Ex.C1, Ex.C2 and Ex.C3 have been effected mutually between us, with the freewill, without any force, fraud and pressure, with the intervention of elderly relatives and respectable of the society, in order to transmit a good signal in the society. My copy of ID Card is Ex.C4 (original seen and returned). I am not interested to proceed in the aforesaid case anymore against the said accused persons. I have been authorized by Ganges (India) Hotels and Development Private Limited to effect the compromise with the accused parties, original resolution dated 27.03.2017 regarding the same has been annexed with the quashing petition filed by me before the Hon’ble Punjab and Haryana High Court. I have no objection in case the aforesaid FIR is quashed against the said persons, on the basis of compromise Ex.C1, Ex.C2 and Ex.C3. I identify my signatures on my compromise Ex.C1, Ex.C2 and Ex.C3.”

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner 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.58 dated 11.04.2012 under Sections 420, 467, 471 and 120-B IPC registered at Police Station Dera Bassi, District SAS Nagar, Mohali (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deeds dated 26.03.2017, 28.03.2017 and 25.04.2017 (Annexures P-2 to P-4).

September 14, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No