

252.

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

CRM-M-18270-2017

Date of decision:09.08.2017

AMRIK SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.27 dated 14.04.2017 under Sections 406, 420 IPC, registered at Police Station Begowal, Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 11.05.2017 (Annexure P-2).

This Court vide order dated 22.05.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared

before learned Judicial Magistrate Ist Class, Kapurthala and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.07.2017 to the effect that the compromise has been effected between the parties voluntarily through the respectables.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Harjit Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 01.06.2017. The same is reproduced as under:-

“Stated that I have got registered an FIR No.27 dated 14.4.2017 under Section 406/420 IPC with police station Begowal, district Kapurthala against Amrik Singh accused. By the mediation of respectables a compromise has been reached between us and in pursuance of that compromise, I have duly sworn an affidavit by making appearance before Executive Magistrate Bholath on 11.5.2017. The original affidavit is Ex.P1. Copy of FIR is mark PA. On the basis of compromise between us, accused Amrik Singh filed CRM-M No.18270 of 2017 before the Hon'ble Punjab and Haryana High Court at Chandigarh in which the Hon'ble High Court on 22.5.2017 passed an order which is Ex.P2. In compliance to the order, accused has already deposited amount of Rs.15,000/- as non-refundable cost with SSP, Kapurthala within two weeks of the order dated 22.5.2017. Copy of challan receipt is mark PB. Vide this compromise, we have left with no grudge against each other, so the FIR No.27 may kindly be ordered to be quashed by sending report to the Hon'ble High Court at Chandigarh. I have brought my original Voter I.D. Card today, copy of the same is mark as Ex.P4.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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**, this petition is allowed and F.I.R. No.27 dated 14.04.2017 under Sections 406, 420 IPC, registered at Police Station Begowal, Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 11.05.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

09.08.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No