

248.

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

CRM-M-18704-2017

Date of decision:02.08.2017

PREHLAD RAI

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajesh Sharma, Advocate,
for Mr. Swarn Tiwana, Advocate,
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.119 dated 01.08.2015 under Section 406/420 IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.09.2016 (Annexure P-2).

This Court vide order dated 23.05.2017 had directed the parties to appear before the Area Magistrate 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, Fatehgarh Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.06.2017 to the effect that the parties have voluntarily entered into compromise and the same is genuine one.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Harinder Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 15.06.2017. The same is reproduced as under:-

“I have compromised the matter with accused without any kind of undue influence and any kind of pressure. There is no other person involved in the occurrence who is not party to the present petition and therefore, no need of consent would be required. I have no objection if the FIR no.119 dt. 01.08.2015 u/s 406, 420 IPC, Police Station Fatehgarh Sahib be quashed. There is no other FIR is pending against me.”

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**

dated 01.08.2015 under Section 406/420 IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.09.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.08.2017
sanjeev

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