

245.

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

CRM-M-24992-2017

Date of decision:01.11.2017

MALKIAT SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Baljeet Singh Sidhu, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, 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.8 dated 16.02.2017 under Section 420 IPC, registered at Police Station Naya Gaon, District SAS Nagar (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 27.02.2017 (Annexure P-2).

This Court vide order dated 24.08.2017 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, Kharar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.10.2017 to the effect that the compromise effected between the parties is genuine, voluntarily and out of free will of the parties.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Diwakar Jaiswal, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 09.10.2017.

The same is reproduced as under:-

“Stated that I got registered one FIR No.08, dated 16.02.2017 U/s 420 IPC PS Naya Gaon, SAS Nagar, Mohali against the accused Malkiat Singh. As per compromise, we have already filed the petition u/s 482 CrPC for quashing the FIR in Punjab and Haryana High Court, Chandigarh. I have received settled amount from the accused person. I have voluntarily entered into compromise with the accused person without any coercion and undue pressure. The copy of the compromise is Mark C and I identify my signatures on the same. I have no objection if the above mentioned FIR against the accused persons be quashed as per the compromise. My copy of aadhar card regarding my identity is mark A.”

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.8 dated 16.02.2017 under Section 420 IPC, registered at Police Station Naya Gaon, District SAS Nagar (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 27.02.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.11.2017
sanjeev

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