

252.

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

CRM-M-26427-2017

Date of decision:27.09.2017.

RAMESH KUMAR

... Petitioner

Versus

STATE OF PUNJAB & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vijay Singh, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

Mr. R.S. Bajwa, 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 F.I.R. No.30 dated 09.02.2017 under Section 420/120B IPC and under Section 24 of Emigration Act, 1983, registered at Police Station Sadar Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.06.2017 (Annexure P-2).

This Court vide order dated 25.07.2017 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.09.2017 to the effect that the compromise arrived at between the parties appears to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Malkit Singh has made his statement with regard to compromise before learned Magistrate on 21.09.2017. The same is reproduced as under:-

“Stated that with the intervention of the respectables, we have compromised the matter with the accused Ramesh Kumar. Copy of the attested affidavit on the basis of compromise is Ex.CA which bears my signatures. The affidavit has been attested by the Executive Magistrate Ludhiana on 12.06.2017. Now on the basis of compromise, I have no objection if the present FIR be quashed against the accused Ramesh Kumar.”

Learned State counsel as well as learned counsel for respondent No.2 have 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.30

Emigration Act, 1983, registered at Police Station Sadar Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 12.06.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

27.09.2017
sanjeev

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