

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

CRM-M-27767-2017 (O&M)
Date of decision: 03.10.2017

Amit Kumar & anr.

.... Petitioners

versus

State of Punjab and ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kulwinder Singh, Advocate for
Ms. Amandeep Sibia, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. K.S.Lakhanpal, 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.70 dated 18.04.2017 under Sections 420/406 IPC registered at Police Station City Phagwara, District Kapurthala (Annexure P-1) and the subsequent proceedings arising therefrom on the basis of compromise dated 11.07.2017 (Annexure P-2).

This Court vide order 01.08.2017 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and learned trial Court/Illaq Magistrate was directed to submit its report regarding the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Sub Divisional Judicial Magistrate, Phagwara and got their

statements recorded. Learned Magistrate has forwarded his report dated 25.08.2017 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any pressure or undue influence from either side. Thus, the compromise is genuine and valid. The joint statement of Swaran Kaur w/o Major Lal and Kashmir Kaur w/o Late Sarwan Ram, complainants, which is accompanied with the report, reads as under:-

“Statement of Swaran Kaur wife of Major Lal, aged about 48 years and Kashmir Kaur w/o Late Sarwan Ram, aged about 49 years, r/o Village Langeri, Tehsil Banga, District SBS Nagar. (ON S.A).

Stated that FIR No.70 dated 18.04.2017 under Sections 406/420 IPC, Police Station City, Phagwara registered against accused Amit Kumar s/o Bhahishan Kumar, r/o House No.19, Gali No.15, New Pawan Nagar, Batala Road, Amritsar and Mukesh Kumar son of Vijay Kumar r/o House No.1516, Gali No.6, Judge Nagar, Jaura Fatak, District Amritsar on our statement. we have reached compromise with the above said accused with our free will, voluntarily and without any kind of undue influence or coercion. Copy of compromise is Mark – A, we both identify our signature on the same. I Swaran Kaur identify my signature upon affidavit dated 11.07.2017 which is Mark-B, photocopy of our Aadhar Cards are Mark-C and Mark-D. I Kashmir Kaur also identify my signatures upon Mark-A. We have no objection if the present FIR is quashed as per above compromise/affidavit.

Noted on my dictation

RO & AC

Sd/-

Sd/- (Adv)

Sd/-

(Rajwant Kaur),

SDJM/Phagwara

Dated: 24.08.2017”

Learned counsel for State as well as counsel for respondent

No.2 do not dispute the factum of compromise between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.70 dated 18.04.2017 under Sections 420/406 IPC registered at Police Station City Phagwara, District Kapurthala (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioners in view of the compromise dated 11.07.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

03.10.2017
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1. Whether reportable?	Yes/No
2. Whether speaking/Non-speaking?	Yes/No