

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-28975 of 2016

Date of Decision: 16.11.2017

Bharat Bhushan Sharma & another

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.110 dated 07.08.2015 (Annexure P-1) under Sections 406 and 420 IPC registered at Police Station Sirhind, District Fatehgarh Sahib and all consequential proceedings arising therefrom on the basis of compromise.

This Court vide order 04.09.2017 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Learned counsel for the petitioners states that as per the statement made before this Court on 4.9.2017, the petitioners have withdrawn the civil suit and the complainant has already been paid the agreed amount of Rs.20 lacs.

Pursuant to the order dated 4.9.2017 of this Court, the parties have appeared before learned Additional Chief Judicial Magistrate, Fatehgarh Sahib and got their statements recorded. Learned Magistrate has forwarded her report dated 16.10.2017 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 statement of Gurwinder Singh, complainant-respondent no.2 has also been attached with the report, wherein he has stated that the compromise entered into between him and the petitioners is genuine and he has no objection to the FIR being quashed. The statement of complainant-respondent no.2 Gurwinder Singh reads as under:-

“Stated that I have got registered FIR No.110 dated 7.8.2015 under Sections 406, 420, 465, 467, 468, 471 of the Indian Penal Code, Police Station Sirhind, District Fatehgarh Sahib against the accused. Now with the intervention of respectables, I have voluntarily compromised the matter with the accused without any pressure or influence and the said compromise is genuine. The written compromise deed is Ex.CX, which bears my signatures as well as signatures of both the accused. The same is for the welfare of both the parties and will bring peace and harmony between the parties for all the times to come. I identify my signatures on Ex.CX which is correct. I have no objection if the FIR

abovesaid, is quashed and accused are acquitted. As per compromise, I have already received Rs.20 lac from the accused persons and have given my affidavit in respect thereof Ex.CY and now nothing is due towards the accused persons.”

Learned State counsel has not disputed the factum of the 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.110 dated 07.08.2015 under Sections 406 and 420 IPC registered at Police Station Sirhind, District Fatehgarh Sahib (Annexure P-1) along with all subsequent proceedings arising therefrom is quashed *qua* the petitioners, in view of compromise so arrived between the parties.

November 16, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No