

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

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CRM-M-30163-2017

Date of Decision: 09.11.2017.

Aman Kumar @ Amaninder Singh and anotherPetitioners.

Versus

State of Punjab and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ranjit Singh Saini, Advocate for the petitioners.

Mr. Rana Harjasdeep Singh, Assistant Advocate General,
Punjab.

Mr. Ranjit Sharma, Advocate for respondent No.2.

Ramendra Jain, J.(Oral)

Through this petition under Section 482 of the Code of Criminal Procedure, prayer has been made for quashing F.I.R. No.308 dated 17.09.2016 registered under Sections 406, 420, 120-B of the Indian Penal Code and Section 24 of Immigration Act, 1983, at Police Station Zirakpur, District SAS Nagar, Mohali, on the basis of compromise.

On presentation of the petition, vide order dated 21.08.2017 passed by this Court, the parties were directed to appear before the trial Court/Illaq Magistrate, SAS Nagar Mohali, for recording their statements with a direction to the trial Court/Illaq Magistrate to furnish a report qua veracity thereof, if any, between the parties.

In compliance of the order dated 21.08.2017 of this Court,
respondent No.2 Parminder Kaur and petitioner No.2 Bhawanpreet Kaur @

Bhano appeared before the trial Court and made their statements qua compromise.

However, the trial Court has reported that the compromise between the parties does not appear to be genuine on the following three counts:-

- (i) Original of agreement Ex.C1 was not produced;
- (ii) Bhawanpreet Kaur was not arrayed as an accused who has made statement qua compromise alleging herself to be one of the accused; and
- (iii) Petitioner No.1-accused Aman Kumar @ Amaninder Singh and co-accused Tajwinder Singh did not appear for their statements.

Learned counsel for respondent No.2 (complainant) submits that original compromise could not be produced before the trial Court, the same being in custody of the Investigating Officer, namely Rameshwar Dass. The same is produced today in Court by the aforesaid Investigating Officer and is taken on record. Qua second count, learned counsel for the parties as well as learned State counsel admit that the said observation of the trial Court is wrong, because Bhawanpreet was very much arrayed as an accused in the F.I.R.

With regard to third count that accused Aman Kumar @ Amaninder Singh (petitioner No.1) and accused Tajwinder Singh did not appear for their statements qua compromise, learned counsel for the petitioners submits that it has categorically been mentioned in Para No.5 of the petition that whereabouts of accused Tajwinder Singh are not known and according to the Vakalatnama filed on behalf of petitioner No.1 duly

countersigned by Vice Consul, Consulate General of India, Dubai (U.A.E.)
on 04.07.2017, he lives in U.A.E.

To become doubly sure, the statement of complainant-
Parminder Kaur, who is present in Court alongwith her counsel, is again
recorded in Court. She has categorically stated that she has compromised
the matter with all the aforesaid accused and has no objection in case the
impugned F.I.R. against them is quashed.

In view of the totality of the facts and circumstances and
considering the fact that the compromise will bring harmony in relations
between the parties, the present petition is accepted and the aforesaid F.I.R.
No.308, is quashed.

(RAMENDRA JAIN)
JUDGE

09.11.2017
jitender sharma

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No