

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-31584 of 2017

Date of Decision: 22.9.2017

Tarun Kumar

.....Petitioner

Versus

State of U.T., Chandigarh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. P.S.Sullar, Advocate
for the petitioner.

Ms. Ashima Mor, Advocate
for U.T., Chandigarh.

Mr. Neeraj Januha, Advocate
for respondent No. 2.

AMIT RAWAL, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 17 dated 15.1.2016 under Section 420, 467, 468, 471 IPC, registered at Police Station Sector-39, Chandigarh, (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated (Annexure P-2).

This Court vide order dated 28.8.2017 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, Chandigarh and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 8.9.2017 to the effect that the compromise arrived at between the parties is voluntarily and without any coercion or undue influence.

Respondent No. 2-complainant, namely, Ved Parkash has made statement with regard to compromise before learned Magistrate on 08.9.2017. The same is reproduced as under:-:-

“I have compromised the matter with accused persons vide compromise deed dated 8.8.2017 Ex. PA. Copy of which is placed on record and I have received full and final payment as per compromise on which I identify my signatures and the said compromise is arrived without any pressure, coercion or undue influence and voluntarily and free will. I have no objection if the present case FIR be quashed by the High Court”

Learned counsel for the U.T., Chandigarh as well as learned counsel appearing on behalf of 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 the F.I.R. No. 17 dated 15.1.2016 under Section 420, 467, 468, 471 IPC, registered at Police Station Sector-39, Chandigarh, (Annexure P-1) and all subsequent proceedings arising

therefrom are quashed qua the petitioner on the basis of compromise.

(AMIT RAWAL)
JUDGE

September 22, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No