

250.

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

CRM-M-32518-2017

Date of decision:08.11.2017.

ANKUR

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Parvesh Sachdeva, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab,
for respondent No.1.

Mr. Lajpat Sharma, 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.122 dated 24.06.2012 under Sections 420, 467, 468, 471, 120 B IPC, registered at Police Station City Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.08.2017 and affidavit dated 21.08.2017 (Annexures P-2 and P-3 respectively).

Learned counsel for the petitioner states that the petitioner has been named in the FIR only for the reason that he is running a Cyber Cafe at Fazilka from where the other accused have taken out a print from the computer maintained by the petitioner in his cafe.

This Court vide order dated 01.09.2017 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 Chief Judicial Magistrate, Fazilka and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.10.2017 to the effect that the compromise effected is genuine, voluntarily and without any kind of coercion or undue influence.

Respondent No.2-complainant, namely, Ram Manohar has made his statement with regard to compromise before learned Magistrate on 07.10.2017. The same is reproduced as under:-

“Stated that the above said FIR was registered on my statement against the Bhupesh Pandey son of Subash Pandey resident of Nai Abadi now at Kandhwala Road, Uttam Bihar Colony, Abohar, Ankur son of Ved Parkash resident of Street No.5, Kailash Nagar, Fazilka. Subash Ucharia resident of Hisar and Manpreet Dhillon resident of Hisar. Now with the intervention of respectable persons of the society I have compromised with accused namely Ankur son of Ved Parkash in writing. The photocopy of the same is attached as Ex.CX. Now I have no grudge against Ankur. This compromise has been effected by me voluntarily, without any threat or undue influence. I have no objection if the Hon'ble Punjab & Haryana High Court quashed the FIR qua the accused Ankur as per compromise.”

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.122 dated 24.06.2012 under Sections 420, 467, 468, 471, 120 B IPC, registered at Police Station City Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 17.08.2017 and affidavit dated 21.08.2017 (Annexures P-2 and P-3 respectively).

(HARI PAL VERMA)
JUDGE

08.11.2017

sanjeev

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No