

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32775-2017

Date of decision: December 08, 2017

Amit Vij and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Mohit, Advocate for
Mr. Vikas Bali, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

None 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.76 dated 07.03.2016 under Sections 420, 467, 468, 120-B IPC, registered at Police Station City Khanna, District Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2017 (Annexure P-2).

This Court vide order dated 05.09.2017 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 Addl. Civil Judge (Senior Division)-cum-SDJM, Khanna and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.10.2017 to the effect that the compromise effected between the parties is with their free will and consent, without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-

complainant, namely, Avtar Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 06.10.2017. The same is reproduced as under:-

“I compromised with accused Amit Vij son of Jiwan Vij and Meenakshi Vij wife of Amit Vij both resident of 259/5, Shivpuri Mohalla, Khanna, Distt. Ludhiana, regarding the matter of the case with my own Will, without any pressure and coercion. I have no objection to quash the FIR (partly) and proceedings of FIR No.76 dated 07.03.2016, under Sections 420, 467, 468, 120-B IPC, PS City Khanna against above said accused Amit Vij son of Jiwan Vij and Meenakshi Vij wife of Amit Vij only. Copy of my Aadhar Card is Mark A.

I want to continue proceedings above said FIR against Neeraj Arora main accused.”

Learned State counsel has 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.76 dated 07.03.2016 under Sections 420, 467, 468, 120-B IPC, registered at Police Station City Khanna, District Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 08.08.2017 (Annexure P-2).

December 08, 2017
m. sharma

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No