

240.

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

CRM-M-35365-2016

Date of decision:13.11.2017

KISHORE SINGH & ANR

... Petitioners

versus

STATE OF HARYANA & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Chirag Wadhwa, Advocate,
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana,
for respondent No.1.

Mr. Gurinder Singh, Advocate, for
Mr. Aniket Chauhan, 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.83 dated 04.02.2014 under Sections 420, 406, 467, 468, 471, 506, 120-B and 34 IPC, registered at Police Station Sadar Karnal, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.09.2016 (Annexure P-2).

This Court vide order dated 03.10.2016 had directed the parties to appear before the 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 Additional Chief Judicial Magistrate, Karnal 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 has been effected between the parties voluntarily and without any pressure or coercion.

Respondent No.2-complainant, namely, Naresh Kumar Chauhan has made his statement with regard to compromise before learned Magistrate on 18.10.2016. The same is reproduced as under:-

“Sated that a compromise has been effected between me and accused Kishore Singh son of Hukum Singh and accused Raj Kumari Singh wife of Kishore Singh, both resident of Ward no.2, Shehpura Bitony, Distt. Jabbalpur, M.P. No compromise has been effected with the other accused persons. No other case of mine is pending with accused Kishore Singh and Raj Kumari. The compromise has been effected with free will and without any pressure or coercion. I have no objection if the case is quashed as against accused Kishore Singh and Raj Kumari.”

Though this Court vide order dated 20.12.2016 while relying upon the report dated 26.10.2016 forwarded by learned Additional Chief Judicial Magistrate, Karnal, quashed the FIR alongwith all subsequent proceedings arising therefrom, however, said order was recalled vide order dated 08.03.2017 and the petition was restored to its original number as complainant-respondent No.2 has partially compromised the matter qua petitioners No.1 and 2 only.

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.83 dated 04.02.2014 under Sections 420, 406, 467, 468, 471, 506, 120-B and 34 IPC, registered at Police Station Sadar Karnal, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.09.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.11.2017
sanjeev

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