

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-36058 of 2016
Date of Decision: 24.07.2017

Ekta & others

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rajiv Joshi, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. H.K. Aurora, Advocate
for respondents no.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.192 dated 3.11.2014 under Sections 420, 465, 466, 467, 468, 471, 120-B IPC registered at P.S. Navi Baradari, District Jalandhar and the consequential proceedings arising therefrom, *qua the petitioners*, on the basis of compromise (Annexure P-3).

This Court vide order 6.10.2016 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. Learned Magistrate has forwarded his report dated 21.11.2016 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any pressure or undue influence from either side. The statement of Satnam Singh, respondent no.2-complainant reads as under:-

“State of Satnam Singh son of Late Sh. Pal Singh, resident of Village Khusropur, Tehsil and District Jalandhar.

On SA

Stated that on my complaint dated 3.6.2014 one criminal case vide FIR No.192 dated 3.11.2014 under Sections 420/465/466/467/468/471/120-B IPC has been registered against (1) Smt. Ekta wife of Late Karamchand resident of house No.786, Mann Singh Nagar, PS Rama Mandi Jalandhar, (2) Boota Ram son of Madan Lal, resident of Village Bambianwal Tehsil and District Jalandhar, (3) Pawan Kumar, paster, son of Sh. Madan Lal, resident of house no.203 Shakti Nagar, Jalandhar, (4) Asha Rani (Now PO) wife of Ramesh Masih, resident of Christian Colony Jammu at present New Guru Nanak Nagar, Nagra Road PS Division No.1, Jalandhar, (5) Karamchand (now deceased) son of Sh. Fakir Chand, house no.786 Mann Singh Nagar PS Rama Mandi Jalandhar. The trial of the said case is pending before this Hon’ble Court and is fixed for 21.11.2016. In the meantime, with the intervention of the respectable, the matter in dispute has been compromised between the parties amicably without any pressure of any nature whatsoever with the accused no.1 namely Smt. Ekta, accused no.2 namely Boota Ram and accused no.3 Pawan Kumar, Paster. Copy of the said compromise deed is Ex.C1. Upon which I have

identified my signatures. On the strength of the said compromise, the second party have preferred petition under Section 482 Cr.P.C. before Hon'ble High Court. As such, the Hon'ble High Court directed us to record our statement before this Hon'ble Court vide order dated 6.10.2016. Smt. Asha Rani accused no.4 has already been declared PO in the abovesaid FIR. The compromise has been effected with my free will, sound disposing mind and without any coercion. I have no objection if the FIR be quashed on account of compromise. Copy of my self attested Driving license Ex.C2.

*RO& AC
Sd/-
(Satnam Singh Kundra)*

*Sd/-
(Taranjeet Singh)
JMIC / 21.11.2016"*

Mr. H.K. Aurora, Advocate has put in appearance on behalf of respondents no.2 and 3 and filed his *vakalatnama* in Court which is taken on record. He has not disputed the factum of compromise between the parties.

Respondents no.2 and 3-complainants are also present in Court and have duly been identified by their counsel Mr. H.K. Aurora, Advocate. They have also admitted the factum of compromise (Annexure P-3) between the parties.

Learned counsel for respondents no.2 and 3 has submitted that since Shingara Singh-respondent no.3 is an old person, the complaint in question, which forms the basis of the FIR in question, was registered at his behest by Satnam Singh, who is brother-in-law of Shingara Singh. He has further submitted that even in the civil suit pending between the parties, which was filed by respondent no.3-Shingara Singh, decree has been passed on the basis of compromise Annexure P-3.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.192 dated 3.11.2014 under Sections 420, 465, 466, 467, 468, 471, 120-B IPC registered at P.S. Navi Baradari, District Jalandhar and the consequential proceedings arising therefrom, are quashed *qua* the petitioners, in view of compromise (Annexure P-3).

July 24, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No