

234/A.

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

CRM-M-3717-2016

Date of decision:02.08.2017

SIMARJEET SINGH @ APPU

... Petitioner

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Avtar Singh Bhatti, Advocate,
for the petitioner.

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.35 dated 28.04.2015 under Sections 406, 420, 467, 468, 471, 120 IPC, registered at Police Station Haibowal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise in the shape of affidavit dated 18.09.2015 (Annexure P-2).

Reply by way of affidavit of Gurjit Singh, PPS, Assistant Commissioner of Police (Gill-Rural), Ludhiana, filed in court today on behalf of respondent No.1-State, is taken on record.

This Court vide order dated 04.02.2016 had directed the parties to appear before the Illaqa Magistrate/Duty Magistrate 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.02.2016 to the effect that the compromise effected between the parties appears to be genuine, without any coercion or pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Hemant Sood, but no prejudice would be caused to him his wife, namely, Sonal Sood, who is holding General Power of Attorney, has already made a statement with regard to compromise before learned Magistrate on 26.02.2016. The same is reproduced as under:-

“Stated that my husband Hemant Sood have got registered FIR No.35 dated 28.04.2015, Under Section 406, 420, 467, 468, 471, 120B IPC, PS Haibowal Kalan, Ludhiana registered against the accused Sukhwinder Kaur, Inderbir Singh, Simranjit Singh @ Appu, Amandeep Singh, Jatinder Kumar @ Monty and Jatinder Kumar son of Raghunath. The matter has been compromised with the Simranjit @ Appu only. The accused will not file any civil or criminal case against me after the quashing of above said case. I am giving my statement as per the said compromise in compliance under the order of Hon'ble High Court. I have seen the compromise deed Ex.C1 and affidavit Ex.C2 which bears my signature. The agreement is correct. I have brought the original power of attorney executed by my husband in my

favour which is Ex.C5, Copy of adhar card Ex.C6, copy of passport Ex.C7. I have received the balance amount of Rs.60,000/- vide two demand drafts bearing No.583164 dated 25.02.2016 and 795130 dated 30.01.2016 amounting to Rs.30,000/- each issued by UCO Bank Mangat Branch, Ludhiana. Copies of the same are Ex.C8 & C9. I have no objection if the present FIR and its proceedings be quashed against Simranjit Singh @ Appu only.”

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.35 dated 28.04.2015 under Sections 406, 420, 467, 468, 471, 120 IPC, registered at Police Station Haibowal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise in the shape of affidavit dated 18.09.2015 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.08.2017
sanjeev

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