

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37640-2017

Date of decision: December 04, 2017

Nilima Verma and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sunil K. Vashisht, Advocate
for the petitioners.

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

Mr. Shubhankarbaweja, 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.21 dated 06.02.2017 under Sections 406, 120-B IPC, registered at Police Station Model Town, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.08.2017 (Annexure P-2).

Fresh power of attorneys filed on behalf of petitioner and on behalf of respondent No.2 in court today, are taken on record.

This Court vide order dated 07.10.2017 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 Judicial Magistrate 1st Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.11.2017 to the effect that the compromise effected between the parties is genuine and without any pressure or coercion.

Respondent No.2-complainant, namely, Vinod Dawar has made a statement with regard to compromise before learned Magistrate on 09.11.2017 which reads as under:-

“I have compromised with accused Nilima Verma and Paras Verma in FIR No.21 dated 06.02.2017, under Sections 406, 120-B IPC, P.S. Model Town, Ludhiana voluntarily without any pressure any coercion from any part. Our written compromise has already been placed on file before the Hon'ble High Court. I have seen the compromise dated 16.08.2017 which bears my signature and that of the accused which is Ex.C1 and copy of my affidavit Ex.C2. I do not want to prosecute the accused in the present FIR. Nilima Verma also got lodged FIR No.192 dated 16.05.2017 against me and others and she also undertook to withdraw the same. Except that no other litigation is pending between me and accused. I have no objection if the present FIR may quashed against both the accused. ”

Learned State counsel has not disputed the factum of compromise between the parties.

Learned counsel for respondent No.2-complainant also does not dispute the very factum of compromise so entered between the parties. However, he submits that another FIR No.192 dated 16.05.2017, under Sections 354, 506, 509 IPC at Police Station Janakpuri, New Delhi was registered at the instance of the petitioners against respondent No.2-Vinod

Dawar and in terms of the compromise dated 16.08.2017 so entered between the parties, the petitioners are required to make a statement before the Delhi High Court so as to quash that FIR. He states that the petitioners who have been arrayed as respondents No.2 and 3 before the Delhi High Court in *CRL. M.C.4345 of 2017* titled as ***Vinod Dawar and others Vs. State and others***, have not put in appearance despite service and therefore, there is a possibility that they may not come forward to get the said FIR quashed.

Heard learned counsel for the parties.

So far as the present FIR No.21 dated 06.02.2017 is concerned, both the parties have made their respective statements before the trial Court in support of the genuineness of the compromise so effected between the parties. Learned Judicial Magistrate 1st Class Ludhiana has also forwarded a report dated 14.11.2017 to the effect that the compromise effected between the parties is genuine and without any pressure or coercion. Thus no useful purpose would be served to continue the proceedings in instant FIR before the trial Court.

Accordingly, 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.21 dated 06.02.2017 under Sections 406, 120-B IPC, registered at Police Station Model Town, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 16.08.2017 (Annexure P-2).

It is made clear that in case petitioners fail to honour their part of compromise and to get the FIR No.192 dated 16.05.2017, under Sections 354, 506, 509 IPC registered at Police Station Janakpuri, New Delhi at their instance, quashed in *CRL.M.C.4345 of 2017* titled as ***Vinod Dawar and others vs. State and others***, which is fixed for 13.12.2017 before the Delhi High Court, the respondent No.2-complainant shall be at liberty to revive the present petition.

(HARI PAL VERMA)
JUDGE

December 04, 2017
m. sharma

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No