

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4016 of 2016
Date of Decision: 10.8.2017

Varun Bansal @ Panni ..Petitioner

versus

State of Punjab and another ..Respondents

CORAM: HON'BLE MR JUSTICE RAMENDRA JAIN

Present: Mr. Gautam Kaile, Advocate, for the petitioner.

Mr. Rana Harjasdeep Singh, Assistant Advocate General,
Punjab for respondent no.1.

RAMENDRA JAIN, J (ORAL)

Through this petition under section 482 of the Code of Criminal Procedure, prayer has been made for quashing FIR No.77 dated 14.08.2015 registered under Section 420 IPC at Police Station Moga Sadar, District Moga, on the basis of compromise (Annexure P-2).

Vide order dated 05.02.2016 passed by a co-ordinate Bench of this court, the parties were directed to appear before the Illaqa Magistrate/trial court to get their statements recorded with a direction to send a report as to the genuineness of the compromise effected between the parties and whether any other case is pending against the accused and that he ever declared Proclaimed Offender in the present case or not.

Report from the Additional Chief Judicial Magistrate, Moga, has been received. According to the report, statement of complainant Smt. Rajinder Kaur wife of Gurbachan Singh son of Pritam Singh, resident of village Bukan Wala, Tehsil and District Moga, has been recorded on

24.5.2016. She made a statement that with the intervention of respectables of the village, the matter has been compromised with the accused and therefore, she does not want to proceed further in the present case. She further stated that she has made statement without any pressure or coercion and with her own sweet will. She has no objection if the present proceedings are dropped qua the accused person.

As regards the statement of accused Varun Bansal alias Panni, His father, namely, Parshotam Lal, moved an application before the trial court that Varun Bansal is suffering from leg injury and therefore, he is not able to move. On account of this fact, he is unable to get his statement recorded before the court.

Consequently, the trial Magistrate observed that *“as soon as accused is produced in this court, his statement will be recorded and same will be sent to the Hon'ble High Court.”*

Considering the statement of complainant Rajinder Kaur made before the learned Magistrate that she has compromised the matter with the accused without any pressure or coercion and with her own sweet will and also the fact that she has no objection if the proceedings are dropped against the petitioner, therefore, it would be a futile exercise to keep the FIR pending against the petitioner.

Accordingly, the petition is allowed and FIR No.77 dated 14.8.2015 registered under section 420 IPC at Police Station Moga Sadar, District Moga, qua the petitioner, is quashed.

10.08.2017
jitender sharma/VK

(RAMENDRA JAIN)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether Reportable | Yes/No |