

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

CRM-M-44290-2016 (O&M)

Date of decision-04.08.2017

Amarjit

Petitioner

Vs.

State of Punjab and another

...Respondents

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

Present: Mr. P.S.Kanwar, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.36 dated 16.03.2010 registered under Sections 406, 420, 467, 468 and 471 of Indian Penal Code (in short 'IPC') at Police Station Mahilpur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.12.2016 (Annexure P-3).

This Court vide order dated 12.12.2016 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. However, the parties could not appear. Again vide order dated 31.01.2017, parties were directed to appear before the trial Court on 06.02.2017 to get their statements recorded but they failed. Thereafter, vide order dated 14.03.2017, another opportunity was provided to the parties to get their statements recorded qua the compromise before the

trial Court on 20.03.2017 subject to payment of costs of Rs.10,000/- to be deposited with the Pingalwara Charitable Society (Regd) Amritsar.

Pursuant to the aforesaid orders, parties have appeared before learned Judicial Magistrate Ist Class, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.07.2017 to the effect that the compromise effected between the parties is genuine, voluntary, without any threat or coercion.

Since respondent No.2-complainant, namely, Rameshwar Singh is not in India and has gone abroad, he has executed a Specific Power of Attorney in favour of Ankush Birla, S/o Pawan Kumar R/o Narain Nagar, Hoshiarpur. Accordingly, statement of complainant has been recorded through Ankush Birla which is reproduced as under:-

“Statement of Ankush Birla, S/o Pawan Kumar R/o Narain Nagar, Hoshiarpur. On SA

I have received Rs.60,000/- in cash from Amarjit Singh alongwith a cheque of Rs.one lac (100,000/-) bearing No.007461 of Union Bank, Mahilpur, issued in favour of Rameshwar Singh complainant. I am receiving the post dated cheque on behalf of Rameshwar Singh being Attorney as per the instructions given by him. The claim of the complainant is satisfied subject to clearance of cheque. The complainant has no objection if the case is disposed of accordingly.

RO& AC

Sd/-

(Ankush Birla)

Sd/-

(Jagmilap Singh Khushdil)

PCS/Civil Judge (Jr. division)

Hoshiarpur/10.05.2017.”

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 FIR.

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 FIR No.36 dated 16.03.2010 registered under Sections 406, 420, 467, 468 and 471 of IPC at Police Station Mahilpur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 02.12.2016 (Annexure P-3).

August 04, 2017

vanita

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No