

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

**Crl. Misc. No. M-45891 of 2016
Date of Decision: 10.10.2017**

Surjit SinghPetitioner
Vs.
State of Punjab and anotherRespondents

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

Present:- Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Hari Pal Verma, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.51 dated 01.08.2012 under Section 406/420 IPC, registered at Police Station Nurmahal, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 19.12.2016 (Annexure P-2).

This Court vide order dated 22.12.2016 had directed the parties to appear before the trial Court/Illaq 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, Phillaur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.01.2017 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2- complainant, namely, Narinder Singh, but no prejudice would be caused to him as he has already made a statement with regard to compromise before the learned Magistrate on 18.01.2017 to the effect that he has no objection if the FIR is quashed. The said statement is reproduced as under:-

“Stated that an FIR No.51 dated 01.08.2012 u/s 406/420 IPC, PS Nurmahal (Jalandhar) was registered on my complaint/ statement against the accused. Now with the intervention of the respectable and Panchayat, I have entered into compromise with the accused with regard to above noted case FIR with my freewill without any kind of pressure and undue influence of any kind from any side. The compromise is legal valid and genuine. I have got no objection if the above noted FIR No.51 dated 01.08.2012 u/s 406/420 IPC, PS Nurmahal (Jalandhar) is cancelled/ quashed and accused is acquitted/ discharged. Photocopy of my driving licence is attached.”

Learned State counsel has not disputed the factum of compromise between the parties. There is nothing on record to doubt about the genuineness of the compromise effected 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.51 dated 01.08.2012 under Section 406/420 IPC, registered at Police Station Nurmahal, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner on the basis of compromise dated 19.12.2016 (Annexure P-2).

October 10, 2017
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(HARI PAL VERMA)
JUDGE