

CRM-M-12365-2018

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

CRM-M-12365-2018

Date of Decision: 2nd May, 2018

Sourav Dubey & another

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Munish Puri, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Sanjeev Kumar, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.44 dated 22.04.2017, under Sections 365 and 34 of the Indian Penal Code, registered at Police Station Sujanpur, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise dated 26.02.2018 (Annexure P-2) entered into between the petitioners, respondent No.2-Niki (complainant) and her husband Rakesh Kumar-respondent No.3.

This case came up for hearing before this Court on 23.03.2018, when following order was passed:-

“Prayer in this petition is for quashing of FIR No.44 dated 22.04.2017 under Sections 365/34 IPC and 427 IPC, registered at Police Station Sujanpur, District

Pathankot, along with consequential proceedings arising therefrom on the basis of a compromise (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Sanjeev Kumar, Advocate, at this stage appears on behalf of the respondent Nos. 2 and 3. He affirms and verifies the factum of settlement between the parties.

Mr. Kuldip Singh, Sr. DAG, Punjab, on the asking of Court, accepts notice on behalf of respondent-State. Copies of petition be handed over to learned counsel for the respondents during the course of the day.

Accordingly, the parties are directed to appear before the learned trial court/Illaq Magistrate on 17.04.2018 for recording of their statements in regard to the settlement in the present case. The learned trial court/Illaq Magistrate shall on 17.04.2018 or any other date fixed by the Court, in case the statements cannot be recorded on that day, record the statements of the petitioners and respondent No. 2 as well as all/any affected person(s) regarding the factum of compromise. Written compromise, if any, be produced before the learned trial court/Illaq Magistrate.

Learned trial court/Illaq Magistrate shall send report regarding the genuineness of compromise alongwith statements of the parties before the date fixed. Total number of accused persons and the affected persons be detailed. Information regarding conviction/ involvement of any of the accused in any other case, whether they are proclaimed offenders or pendency of such proceedings be indicated in the report.

List on 02.05.2018.”

In compliance with the order referred to above, parties had

appeared before the chief Judicial Magistrate, Pathankot, on 19.04.2018 and got recorded their respective statements with reference to the compromise. After recording the statements, Chief Judicial Magistrate, Pathankot, has submitted its report dated 21.04.2018, wherein, it has been concluded that the matter has been voluntarily compromised by the parties and the compromise is genuine and not a result of any pressure or undue influence.

In the light of the report of Chief Judicial Magistrate, Pathankot, according to which, compromise is genuine, counsel for the petitioners as also counsel for respondents No.2 and 3 pray that the present petition may be allowed and FIR registered at the behest of respondent No.2-complainant along with all consequential proceedings arising therefrom may be quashed as the complainant does not want to pursue the matter in the light of the compromise arrived at between them.

Keeping in view the fact that the matter has been amicably resolved between the parties with the intervention of some known persons, which compromise has been found to be genuine as per the report referred to above, it would be in the interest of justice and for the betterment of the parties that the proceedings initiated at the behest of respondent No.2-complainant is put to an end and further the parties to live peacefully hereinafter. No useful purpose would also be served by continuing the proceedings as it would be a wastage of time and energy, which cannot be permitted.

In the light of the above and the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as

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'Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another, decided on 04.10.2017 and in the judgment of *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.44 dated 22.04.2017, under Sections 365 and 34 of the Indian Penal Code, registered at Police Station Sujanpur, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

2nd May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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