

CRM-M-12682-2018

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

CRM-M-12682-2018

Date of Decision: 17th April, 2018

Harpal Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Petitioner-Harpal Singh in person with
Mr. Rahul Bhargava, Advocate.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Ruhani Chadha, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition 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.252 dated 12.10.2016 under Sections 420, 465, 467,
468 and 471 IPC, registered at Police Station Chherretta,
District Amritsar City (Annexure P-1) as well as all the
subsequent proceedings arising therefrom including
order dated 21.12.2017 whereby the petitioner was
declared proclaimed offender, on the basis of
compromise (Annexure P2).

Learned counsel for the petitioner states that
pursuant to the petitioner being declared as proclaimed
offender, the petitioner put in appearance before the
learned trial Court and was released on regular bail.

Notice of motion.

Mr. Ruhani Chadha, Advocate, puts in appearance on behalf of complainant/respondent Nos.2 and 3 and has filed his Vakalatnama which is taken on record. He affirms and verifies the factum of compromise (Annexure P2) between the parties.

Mr. Kuldeep Singh, Sr. DAG, Punjab, on the asking of Court, accepts notice on behalf of respondent-State. Copies of petition handed over to learned Sr. Deputy Advocate General.

At this stage learned counsel for the petitioner states that the petitioner's Permanent Residency Card for Canada is going to expire on 28.03.2018 and he would either have to report in Canada before the said date or send proof of compromise having been recorded before the said date in order to seek extension of Permanent Residency Card.

Accordingly, parties are directed to appear before the learned trial court/Illaqa Magistrate on 27.03.2018 for recording of their statements in regard to the compromise stated to have been entered into between the parties in this case. The learned trial court/Illaqa Magistrate shall on 27.03.2018 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 Nos.2 and 3 as well as all/any affected person(s) regarding the factum of compromise. Written compromise, if any, be produced before the learned trial court/Illaqa Magistrate.

Learned trial court/Illaqa Magistrate shall send report regarding the genuineness of compromise along with 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 17.04.2018.”

In compliance of the above order, report has been received from the Judicial Magistrate First Class, Amritsar, dated 05.04.2018, according to which, compromise which has been entered into between the parties is out of their free will and in full senses. It is a genuine compromise without any coercion from any quarter and with an intention to amicably resolve the dispute between the parties.

In the light of the fact that the matter has been amicably resolved between the parties, which is amply reflected from the compromise dated 21.03.2018 (Annexure P-2) entered into between the parties and the statements of parties which have been recorded before the trial Court where they have stated that they want to live peacefully in future without any conflict, it would be in the interest of justice that the dispute should come to an end.

Counsel for respondents No.2 and 3 states that these respondents have no objection if the FIR in question is quashed and the present petition is allowed.

Keeping in view the compromise dated 21.03.2018 (Annexure P-2) having been entered into between the parties, which has been found to be genuine as per the report of Judicial Magistrate First Class, Amritsar, and in the light of the ratio of latest judgment of the Hon'ble Supreme Court in

Criminal Appeal No.1723 of 2017, titled as '***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.252 dated 12.10.2016, under Sections 420, 465, 467, 468 and 471 of IPC, registered at Police Station Chherretta, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed, qua the present petitioner.

17th April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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