

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

267

CRM-M No.1291 of 2018

Date of Decision: March 20th, 2018

Amarjeet

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Harpal Singh, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

On 15.01.2018, when this case came up for hearing, following
order was passed:-

*“Petitioner has approached this Court praying for
quashing of FIR No.0109 dated 21.10.2017 (Annexure P-1)
under Section 420 of IPC registered at Police Station
Bahawala, Tehsil Abohar, District Fazilka, and all
consequential proceedings arising therefrom on the basis of
a compromise dated 08.01.2018 (Annexure P-2) arrived at
between the parties, which is supported by the affidavit of the
complainant dated 08.01.2018 (Annexure P-3).*

Notice of motion.

*On the asking of the Court, Mr. Dhruv Dayal,
Senior Deputy Advocate General, Punjab, accepts notice on
behalf of respondent No.1-State.*

*Counsel for the petitioner undertakes to supply a
complete copy of paper book to the counsel for the State
during the course of the day.*

Mr. Harpal Singh, Advocate, has put in appearance on

behalf of respondent No.2-complainant, Krishan Kumar and filed power of attorney. Same is taken on record.

Counsel for respondent No.2 accepts the fact that compromise dated 08.01.2018 has been entered into between the parties and respondent No.2-complainant has no objection to the prayer made in the petition.

In the light of the submissions of the counsel for the parties, parties are directed to appear before the Illaqa Magistrate, Fazilka, on 15.02.2018. The Magistrate shall record the statements of both the parties and send a report to this Court as to whether the compromise is genuine and without any pressure or undue influence. The Magistrate shall also intimate if the petitioner has been declared as proclaimed offender.

Copy of this order be sent to the Illaqa Magistrate, Fazilka, forthwith for information and compliance.

To come up before this Court on 20.03.2018.”

In compliance with the said order, petitioner and complainant-respondent No.2 appeared before the Judicial Magistrate Ist Class, Abohar, who had proceeded to record the statements of the parties on 15.02.2018. In pursuance thereto, report dated 23.02.2018 has been submitted by the said Court, whereby it has been concluded that the compromise dated 08.01.2018 (Annexure P-2) has been entered into between the parties voluntarily and it is a genuine one. No threat, coercion or undue influence has been used for the purpose of entering into the compromise.

In the light of the report of the Judicial Magistrate Ist Class, Abohar, counsel for the petitioner as also the counsel for complainant-respondent No.2 submit that the present petition may be allowed.

Counsel for the complainant further states that the complainant has no objection in case the present petition is allowed and the FIR

preferred by him quashed as the matter stands amicably settled.

In view of the statement made by the counsel for the parties and the report of the Judicial Magistrate Ist Class, Abohar, according to which the compromise, which has been entered into between the parties, has been found to be genuine, without any coercion, undue influence or threat, the present petition deserved to be allowed in the light of the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017.

Ordered accordingly.

FIR No.0109 dated 21.10.2017 (Annexure P-1) under Section 420 of IPC registered at Police Station Bahawala, Tehsil Abohar, District Fazilka, and all consequential proceedings arising therefrom, are hereby quashed.

March 20th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No