

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

CRM-M-12141-2017 (O&M)

Date of decision: January 12, 2018

Subhash Chander and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Ritu Punj, Advocate
for the petitioners.

Mr. Atinder Pal Singh Jaurkian, AAG, Punjab
for respondent No.1-State.

Mr. Tribhawan Singla, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.136 dated 16.07.2015, under Sections 407, 120-B of Indian Penal Code, registered at Police Station Division No.6, Industrial Area, Ludhiana, Punjab (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 07.04.2017 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Court 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.04.2017 to the effect that the compromise

effected between the parties is without any pressure and the same is genuine.

Respondent No.2-complainant, namely, Vinod Kumar has made a statement with regard to compromise before learned Magistrate on 18.04.2017 which reads as under:-

“Stated that I have registered an FIR No.136 dated 16.07.2015 against Bharat Motor Transport Company and its employees namely Subhash Chander S/o Chunni Lal, Ashwani Kumar S/o Hari Ram, Gurpreet Singh S/o Charanjeet Singh with the intervention of the respectable members compromise have been effected between the parties and I have received full and final compromise amount i.e. Rs.2,65,000/- through Cheque No.116686 dated 19.01.2017 of Oriental Bank of Commerce Dharampura, Ludhiana. I have no objection if the above said FIR is quashed and I have entered into the compromise without any pressure. The copy of compromise is Ex.C1 and I identify my signature on the said compromise i.e. Ex.C1/A. The ID proof of complainant is Ex.C1/B. The copy of FIR is Ex.C1/C.”

Learned State counsel as well as learned counsel for respondent No.2 have 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 F.I.R. and it will amount to abuse of the process of law.

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.136 dated 16.07.2015, under Sections 407, 120-B of Indian Penal Code, registered at Police Station Division No.6, Industrial Area, Ludhiana, Punjab (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

January 12, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No