

CRM-M-13776-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13776-2017 (O&M)

Date of Decision: 8th March, 2018

Sanjay Kumar & another

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vivek Arora, Advocate
for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab

Mr. H.P.S. Bhinder, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-26273-2017

Copy of challan under Section 173 of Cr.P.C. is taken on
record, subject to all just exceptions.

Application stands disposed of.

CRM-M-13776-2017

This petition has been filed under Section 482 Cr.P.C. for
quashing of FIR No.137 dated 20.12.2013, under Sections 306, 511 and 420
of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at
Police Station Phase No.8, SAS Nagar, Mohali, (Annexure P-1) and all
subsequent proceedings arising therefrom, in the light of the compromise
dated 17.04.2017 (Annexure P-2) entered into between the petitioners and
respondent No.2-complainant.

The case came up for hearing before this Court on 08.11.2017, when following order was passed:-

“Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 137 dated 20.12.2013 under Sections 306/511/420 IPC, registered at Police Station Phase No. 8 SAS Nagar, Mohali, on the basis of compromise.

Learned counsel for the petitioners contended that the parties have amicably settled their disputes with the intervention of respectables. He further contended that case is at the stage of framing of charges.

Learned counsel for respondent No.2 affirmed the factum of compromise effected between the parties.

In view of the matter, the parties are directed to appear before the trial Court/Area Magistrate on 21.11.2017 for getting their statements recorded with regard to the compromise arrived at between them.

The trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 23.1.2018.”

In compliance with the order passed by this Court reproduced above, parties appeared before the Judicial Magistrate First Class, Mohali, on 21.11.2017 and get recorded their respective statements. On the basis of the statements which have been given by the parties, the Magistrate has concluded that the compromise dated 17.04.2017 (Annexure P-2) has been effected between the parties voluntarily, without any undue influence, pressure or coercion and the same seems to be genuine and valid. Initially, the FIR was registered under Sections 306, 511 and 420 of IPC, however, challan has been presented only under Sections 116 and 420 of IPC.

In the light of the fact that the compromise has been effected between the parties, which has been found to be genuine as recorded above, counsel for the petitioners submits that the petition may be allowed.

Counsel for respondent No.2-complainant accepts the factum of compromise and states that the complainant, in the light of the compromise, is not interested in pursuing the case any further and has no objection in case the present petition is allowed.

Short reply, which has been filed by the State, confirms the factum that the challan has not been presented under Sections 306 and 511 of IPC and it has been presented only under Sections 116 and 420 of IPC.

Keeping in view the factum of compromise having been entered into between the parties dated 17.04.2017 (Annexure P-2), which has been found to be genuine as per the report of the Judicial Magistrate First Class, Mohali, it would be a futile exercise if the proceedings are

allowed to be continued before the trial Court.

In the light of the above facts and circumstances of the case and the ratio of latest judgment of the Hon'ble Supreme Court in *Criminal Appeal No.1723 of 2017*, titled as '*Parbatbhati 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.137 dated 20.12.2013, under Sections 306, 511 and 420 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Phase No.8, SAS Nagar, Mohali, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

8th March, 2018
Harish

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