

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

CRM-M-16496-2016 (O&M)

Date of Decision:- 6.7.2018

Sunil Kumar and others		... Petitioners
	Versus	
State of Punjab and others		... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate for the petitioners.

Mr. Ruchika Sabbharwal, AAG, Punjab.

Mr. Ankit Kharbanda, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, petitioners Sunil Kumar, Tarun Kumar and Rajinder Singh seek quashing of FIR No.516, dated 27.11.2009 under Sections 420/120-B IPC (Sections 468, 471 IPC added subsequently), Police Station Sadar, Amritsar and proceedings emanating therefrom on the basis of a compromise (Annexure P-2) having been effected between the parties.

Learned counsel for the petitioners contends that while four persons were named in the FIR but the present petition has been filed on behalf of three of them. Vide order dated 26.3.2018 the parties had been directed to appear before the trial Court and to get their statements recorded as regards the authenticity of the compromise.

Report of the learned Judicial Magistrate 1st Class, Amritsar duly forwarded by learned District and Sessions Judge, Amritsar has been

received wherein it has been reported that the statements of the complainant Kamal Kumar as well as of the petitioners namely Sunil Kumar, Tarun Kumar and Rajinder Singh have been recorded. The complainant in his statement, recorded before the learned Judicial Magistrate 1st Class has categorically stated that the FIR has been got lodged against four accused namely Sunil Kumar, Tarun Kumar, Rajinder Singh and Parkash Kumari and that now with the intervention of the respectables he has compromised the matter with the said accused persons out of his free will and without there being any coercion or undue influence.

Though, Parkash Kumari is referred to as a proclaimed offender in statement of complainant Kamal Kumar but learned Assistant Advocate General, Punjab has informed that in fact the proceedings for declaring her proclaimed offender are going on and she has not been declared proclaimed offender so far.

In view of the aforestated position especially that the complainant had categorically stated that he has compromised the matter with all the accused, the petition deserves acceptance and is hereby accepted.

The FIR No.516, dated 27.11.2009 under Sections 420/120-B IPC (Sections 468, 471 IPC added subsequently), Police Station Sadar, Amritsar and all the subsequent proceedings arising therefrom are hereby quashed.

July 6, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No