

In the High Court of Punjab and Haryana at Chandigarh

CRM M-18968 of 2018 (O&M)
Date of Decision: August 03, 2018

Satish Kumar and another

... *Petitioners*

Versus

State of Punjab and another

... *Respondents*

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Anil Bansal, Advocate, for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sumeet Puri, Advocate, for respondent no. 2.

P.B. Bajanthri, J. (Oral)

1. In the present petition, petitioners are seeking quashing of FIR No. 30, dated 26.02.2014, under Sections 420, 120-B IPC, registered at Police Station Sunam, District Sangrur along with all subsequent proceedings arising therefrom including order dated 31.05.2017 passed by learned Sub Divisional Judicial Magistrate, Sunam (Annexure P-2) vide which the petitioners have been declared as proclaimed persons, on the basis of compromise dated 20.04.2018 (Annexure P/3).

2. This Court while ordering notice of motion, had directed the parties to appear before the trial Court / Illaqa Magistrate for the purpose of recording their statements with regard to veracity of the compromise. The Sub Divisional Judicial Magistrate, Sunam has sent her report dated 07.07.2018 wherein it is stated that in pursuance to the order of this Court, statements of the parties were recorded. As per the statements, compromise has been effected without any fear or undue influence. However, both the

petitioners-accused are proclaimed offenders pursuant to order dated 31.05.2017.

3. In view of the law laid down in *Narinder Singh vs. State of Punjab* reported in (2014) 6 SCC 466, no useful purpose will be served by continuing the criminal proceedings. Petitioners-accused are proclaimed offenders before trial Court, but now the matter has been compromised. Therefore, present petition is allowed and FIR No. 30, dated 26.02.2014, under Sections 420, 120-B IPC, registered at Police Station Sunam, District Sangrur along with all subsequent proceedings arising therefrom including order dated 31.05.2017 passed by learned Sub Divisional Judicial Magistrate, Sunam (Annexure P/2) are hereby set aside subject to payment of litigation cost of Rs. 5,000/- by each of the petitioner to the Treasury, State of Punjab within a period of two months from today.

August 03, 2018

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[P.B. Bajanthri]
Judge

Whether reasoned / speaking : Yes

Whether reportable : No