

CRM-M-19302-2016

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

CRM-M-19302-2016

Date of Decision: 6th March, 2018

Jarnail Singh & others

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Karamjit Singh Mangat, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

None for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.18 dated 31.01.2016, under Sections 420, and 120-B of the Indian Penal Code, registered at Police Station Civil Lines Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise dated 09.05.2016 (Annexure P-2) entered into between the petitioners and respondent No.2 -complainant.

The case came up for hearing before this Court on 06.12.2017, when following order was passed:-

“As per Registry, costs of ₹ 3,000/- have been deposited.

Service is complete.

Learned counsel for the petitioners as well as

learned counsel for respondent No.2 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial Court where the case is pending on 23.01.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court, is directed to send the report regarding the genuineness of compromise on or before 06.03.2018.

A copy of this order be sent to learned trial Court, through fax, for compliance.”

In pursuance to the above order passed by this Court, Judicial Magistrate First Class, Batala, proceeded to record the statements of parties on 30.01.2018 and on the basis of the statements given by the parties, the Court was satisfied that the compromise effected between the petitioners and respondent No.2-complainant was genuine and not a result of any coercion, pressure or undue influence.

Keeping in view the fact that the parties have amicably resolved the dispute and there is a pure civil issue involved where certain money transactions have taken place, continuation of the proceedings before the trial Court would be futile. Having come to a conclusion that the parties have actually entered into a compromise dated 09.05.2016 (Annexure P-2), which has been found to be genuine, the present petition deserves to be allowed in the light of ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhati***

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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.18 dated 31.01.2016, under Sections 420, and 120-B of the Indian Penal Code, registered at Police Station Civil Lines Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

6th March, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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