

274.

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

CRM-M-20610-2018

Date of decision:31.07.2018

ASHISH BERI AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Piyush Kant Jain, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

Mr. Kamaljeet Singh Mamrat, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.132 dated 08.07.2017 registered under Sections 406, 420 IPC at Police Station City Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.12.2017 (Annexure P-2).

This Court vide order dated 15.05.2018 had directed the parties to appear before the learned trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Moga and got their statements recorded.

On the basis of the statements so recorded, learned Magistrate has submitted

report dated 15.06.2018 to the effect that the compromise effected between the parties is genuine, voluntarily, with their free will and without any coercion or undue influence from any corner.

Respondent No.2-complainant, namely, Bhola Singh has made his statement with regard to compromise before learned Magistrate on 31.05.2018. The same is reproduced as under:-

“I have entered into the compromise with accused persons namely Ashish Beri and Shally Bassi alias Aditi Beri of FIR No.132 dated 08.07.2017, under Sections 406, 420 IPC, P.S. City, Moga with the intervention of respectable of the society. I have no objection, if the abovesaid FIR which was lodged on my statement is quashed. I have entered into the compromise to avoid further litigation and for the peace of mind. Nothing is due towards the accused persons. I do not want to pursue the present FIR. I am giving this statement without any pressure, undue influence and coercion and the compromise so entered between me and the accused persons was with my free will and consent, without any force, undue influence and coercion etc. from any quarter. The said compromise is voluntarily entered into by me with the accused persons. The original compromise is Ex.C1 and I identify my signatures over the same. I have never been declared proclaimed offender by any of the court. There is one accused namely Ashish Beri mentioned in the above said FIR. Accused Shally Bassi alias Aditi Beri involved lateron in the said FIR.”

Learned State counsel as well as learned counsel appearing on behalf of 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.

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.132 dated 08.07.2017 registered under Sections 406, 420 IPC at Police Station City Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.12.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

31.07.2018
sanjeev

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