

CRM-M-23524-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23524-2017

Date of Decision: 29th January, 2018

Usha Rani & another

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Ranjit Singh Sidhu, Advocate for
Mr. Harit Sharma, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0187 dated 25.12.2016, under Sections 420, 406 and 34 of the Indian Penal Code, registered at Police Station Morinda, District Ropar (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise entered into between the petitioners and respondent No.2-complainant.

When the case came up for hearing on 09.08.2017, following order was passed:-

“Power of Attorney filed on behalf of respondent

No.2 is taken on record.

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.187 dated 25.12.2016 under Section 420, 406, 34 IPC, P.S. Morinda, District Ropar, on the basis of compromise. Learned counsel for respondent No.2 affirms the factum of compromise between the parties. In view of the matter, the parties are directed to appear before the trial Court/Area Magistrate on 23.08.2017 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 their/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 28.09.2017.”

In compliance to the above order, parties appeared before the Additional Chief Judicial Magistrate, Rupnagar, on 23.10.2017 and got recorded their statements, wherein, they stated that a compromise has been entered into between them. After recording the statements, the Additional Chief Judicial Magistrate, Rupnagar, has submitted its report dated 23.10.2017, according to which, compromise arrived at between the parties on 13.04.2017 (Annexure P-2), which is in the form of affidavit of

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respondent No.2-complainant, is genuine, without any coercion, undue influence and entered into with their own free will. It has further been mentioned that none of the petitioners has been declared proclaimed offender and even the challan has not been presented in this case. It has also been mentioned that except for the present petitioners, there is no other accused and the complainant alone is the effected party.

Having considered the report of the Additional Chief Judicial Magistrate, Rupnagar and keeping in view the fact that a compromise has been entered into between the parties, which has been found to be genuine, without any pressure, inducement, threat or coercion, the present FIR deserves to be quashed as the dispute primarily is of money transaction which has resulted in registration of FIR. With the intervention of the respected persons and with an intention to settle the dispute, the parties have amicably resolved the issue and therefore, the Court is of the opinion that the continuation of the proceedings would not lead to any fruitful outcome and would be sheer wastage of time and energy. With the amicable settlement of the dispute, the matter requires to be given a pleasant burial and it will help in maintaining good relationship in the society.

In the light of the facts and circumstances of the present case, the report submitted by the Additional Chief Judicial Magistrate, Rupnagar, as also the principles laid down by the Hon'ble Supreme Court in ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** and the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal)***

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1052, the present petition is allowed. FIR No.0187 dated 25.12.2016, under Sections 420, 406 and 34 of the Indian Penal Code, registered at Police Station Morinda, District Ropar (Annexure P-1) and all subsequent proceedings arising therefrom, are hereby quashed.

29th January, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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