

272.

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

CRM-M-25443-2017

Date of decision:17.10.2018.

ARUN KUMAR AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Chantinder Singh, Advocate,
for respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.270 dated 03.12.2014 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Samrala, District Ludhiana (Annexure P-11) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-15).

This Court vide order dated 12.01.2018 had directed the parties to appear before the trial Court 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 Judicial Magistrate Ist Class, Samrala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.03.2018 to the effect that the compromise is genuine and has been effected between the parties without any threat or undue influence.

Respondent No.2-complainant, namely, Dhanwant Singh and respondent No.3-Sukhpal Kaur have made a joint statement with regard to compromise before learned Magistrate on 05.03.2018. The same is reproduced as under:-

“That one FIR No.270, dated 03.12.2014 under section 420, 467, 468, 471, 120-B IPC at Police Station, Samrala was registered at PS, Samrala by us. Now we have entered into a compromise with our free consent, without any pressure, inducement, coercion and threat with the Rajiv Kumar S/o Manohar Lal, Arun Kumar S/o Manohar Lal, Raman Kumar S/o Darshan Kumar all resident of Samrala, Tehsil Samrala, District Ludhiana. We have no objection if the FIR No.270, dated 03.12.2014 under section 420, 467, 468, 471, 120-B IPC at Police Station, Samrala is quashed by the Hon'ble High Court. The Kulwant Singh S/o Dalwara Singh respondent No.4 has no concern with the present FIR. He is neither be complainant nor witness nor accused in the present FIR.”

Learned counsel appearing on behalf of respondents No.2 to 4 has argued that the matter has been compromised. He states that he has the authority to appear on behalf of respondent No.4-ADA working in Samrala, though he (respondent No.4) is not an aggrieved person.

Learned State counsel also has 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.270 dated 03.12.2014 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Samrala, District Ludhiana (Annexure P-11) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-15), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

17.10.2018
sanjeev

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