

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

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CRM-M No.2987 of 2018

Date of Decision: April 27th, 2018

Rohit Mittal

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Naresh Kumar Manchanda, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Achin Gupta, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 24.01.2018, following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No. 58, dated 07.07.2017 (Annexure P-1), registered under Section 420 IPC at Police Station Smalsar, District Moga and subsequent proceedings arising therefrom on the basis of a compromise dated 17.10.2017 (Annexure P-2) arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1. Counsel for the petitioners undertakes to hand over a copy of the petition to him during the course of the day.

Mr. Achin Gupta Advocate, accepts notice on behalf of respondent No.2 and admits the compromise (Annexure P-2).

The parties are directed to appear before the Ilaqa Magistrate , Bagha Purana on 14.02.2018 for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Ilaqa Magistrate, Bagha Purana is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

To come up on 22.03.2018.

Copy of this order be sent to the Ilaqa Magistrate concerned for information and compliance.”

In compliance with the said order, parties appeared before the Sub Divisional Judicial Magistrate, Baghapurana, on 27.02.2018 and got recorded their respective statements.

On the basis of the statements of the parties, report dated 03.03.2018 has been submitted by the Sub Divisional Judicial Magistrate, Baghapurana, according to which the parties have entered into a compromise amicably which is voluntary and without any coercion or undue influence or pressure, therefore, is genuine.

In the light of the fact that the parties have entered into a compromise and the same has been found to be genuine as per the report of the Sub Divisional Judicial Magistrate, Baghapurana, counsel for the petitioner and the complainant pray that the present petition may be

allowed.

Counsel for the complainant further states that the compromise has indeed been entered into between the parties on 17.10.2017 (Annexure P-2) and the complainant stands by the same. He further states that the complainant has no objection in case the FIR and all consequential proceedings arising therefrom are quashed.

Keeping in view the above facts and circumstances, as the parties have entered into a compromise which factum is acknowledged by the counsel for the complainant in Court today as well and in view of the report of the Sub Divisional Judicial Magistrate, Baghapurana, referred to above, it would be in the interest of justice that the proceedings are brought to an end so that the dispute between the parties is no more an impediment in their day to day life.

In view the above and keeping in view the principles laid down by judgment of Supreme Court in *Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429* and in *Criminal Appeal No.1723 of 2017* titled as *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another*, decided on 04.10.2017, the present petition is allowed and FIR No. 58, dated 07.07.2017 registered under Section 420 IPC at Police Station Smalsar, District Moga and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

April 27th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

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