

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-30520-2018

Date of decision: 01.12.2018

Davinder Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sanjay Nagpal, Advocate for
Mr. Raj Bikram Rai, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

Mr. Lavish Rattan, Advocate for
Mr. Manu Loona, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 104 dated 06.07.2017 (Annexure P-1) registered under Sections 419, 420, 465, 447 and 506 IPC at Police Station Division No. 2, District Pathankot and all subsequent proceedings arising therefrom on the basis of compromise dated 19.07.2018 (Annexure P-2), effected between the parties.

Vide order dated 31.10.2018, the parties were directed to appear before the trial Court/Illaq Magistrate within two weeks, to get their statements recorded for compromise with a direction to the trial Court/Illaq Magistrate, to furnish a report qua veracity of the compromise.

Consequently, parties appeared before the Judicial Magistrate Ist Class, Pathankot and got recorded their statements qua compromise on 22.11.2018. Report from the Judicial Magistrate Ist Class, Pathankot, vide letter No. 594 dated 26.11.2018, duly forwarded by the District and Sessions Judge, Pathankot, vide Endst. No. 3323 dated 27.11.2018, has been received. According to the report of the Judicial Magistrate Ist Class, Pathankot, the compromise effected between the parties is voluntarily and out of free will.

In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony and peace in relations between the parties, this petition is allowed and the aforesaid, FIR No. 104 dated 06.07.2017 (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioner are quashed, subject to payment of costs of ₹10,000/-, out of which ₹3,000/- shall be deposited with the Bar Association, Punjab and Haryana High Court, Chandigarh and ₹7,000/- with the Prime Minister's National Relief Fund, within a period of three weeks' from today, failing which this petition shall be deemed to be dismissed.

List on 01.02.2019 for production of receipts regarding deposit of costs.

December 01, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No