

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-32501-2018 (O&M)

Date of Decision:14.11.2018

Raj Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. G.S. Madaan, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.112 dated 06.07.2011 under Sections 380, 420, 109, 468 and 471 IPC, registered at Police Station Jagraon City, District Ludhiana Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.07.2018 (Annexure P-2).

This Court vide order dated 01.08.2018 had directed the parties to appear before the Illaqa Magistrate/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 1st Class, Jagraon, and got their statements

submitted report dated 27.09.2018 to the effect that the matter has been amicably settled between the parties with their free will and without any pressure. The compromise appears to be voluntary and genuine. The complainant has no objection if FIR registered against the petitioners-accused is quashed.

Though, today no one is present on behalf of respondent No.2-Complainant, namely, Munish Kumar, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 30.08.2018. The same is reproduced as under:-

“Stated that I have voluntarily compromised the matter with the accused Raj Kumar son of Durga Dass, Punita Rani wife of Raj Kumar, Imansu Arora and Yakul Arora sons of Raj Kumar in FIR No.112 dated 06.07.2011 U/s 380, 420, 468, 471, 109 IPC, PS City Jagraon with the intervention of the respectables. I voluntarily compromised the matter with the complainant without any pressure or undue influence or without any coercion from any person and compromise is genuine. In this case no accused has been declared as proclaimed offender and no PO proceedings are pending against any of the accused. On the basis of compromise above mentioned accused have filed the quashing petition before the Hon'ble High Court. I have no objection if the proceedings of FIR No.112 dated 06.07.2011 be quashed without any further intimation or information to me.”

Learned State counsel 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 FIR.

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 FIR No.112 dated 06.07.2011 under Sections 380, 420, 109, 468 and 471 IPC, registered at Police Station Jagraon City, District Ludhiana Rural (Annexure P-1) and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioners on the basis of compromise dated 25.07.2018 (Annexure P-2).

November 14, 2018

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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No