

278.

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

CRM-M-32797-2018

Date of decision:22.10.2018.

NEERAJ GUPTA AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Naseem Yadlapati, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

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 F.I.R. No.378 dated 03.11.2017 registered under Sections 406, 420, 120-B IPC at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.03.2018 (Annexure P-2).

This Court vide order dated 02.08.2018 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 Ist Class, Dera Bassi and got their statements

submitted report dated 14.09.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any undue pressure or threat from anyone.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Parminder Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 31.08.2018. The same is reproduced as under:-

“Stated that one FIR No.378 dated 03.11.2017 U/S 406, 420, 120B IPC P.S. Zirakpur was lodged by me against accused Neeraj Gupta and Parshotam Lal. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the above said accused persons out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. I have no objection if the above said FIR is quashed by the Hon'ble Punjab and Haryana High Court. Copy of my Adhaar lying on the Court file is ExC-1.”

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 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**

Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.378 dated 03.11.2017 registered under Sections 406, 420, 120-B IPC at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 01.03.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

(HARI PAL VERMA)
JUDGE

22.10.2018
sanjeev

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