

CRM-M-33345-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33345-2017

Date of Decision: 8th March, 2018

Harkanwaljit Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rohan Sharma, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab

Mr. Kanwarbir S. Sidhu, Advocate f
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.241 dated 29.12.2016, under Sections 420, 465, 466, 468, 471 and 469 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station City Roop Nagar, District Roop Nagar, (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise dated 25.08.2017 (Annexure P-2) entered into between the petitioner and respondent No.2-complainant.

The case came up for hearing before this Court on 08.09.2017, when following order was passed:-

“Learned counsel for the petitioner contends that the parties have compromised the matter and has thus prayed for quashing of the FIR.

Notice of motion for 27.09.2017.

At this stage, Sh.K.S.Sidhu has put in appearance for respondent No.2.

The parties are directed to appear before trial Court on 15.09.2017. The trial Court shall record statement of the parties concerned and submit a report as regards genuineness of compromise.”

On the basis of the above order and in compliance thereto, parties had appeared before the Chief Judicial Magistrate, Roop Nagar, on 01.02.2018 and got recorded their statements supporting the factum of compromise. On the basis of the statements of the parties, learned Chief Judicial Magistrate, Roop Nagar, has concluded that the parties have effected the compromise with their own sweet will, without any inducement and coercion. It has further been observed that in case, compromise is accepted, it would be beneficial to the interest of both the parties.

In the light of the fact that the compromise has been effected between the parties, which has been found to be genuine as recorded above, counsel for the petitioner submits that the petition may be allowed.

Counsel for respondent No.2-complainant accepts the factum of compromise and states that the complainant, in the light of the compromise, is not interested in pursuing the case any further and has no objection in case the present petition is allowed.

Perusal of the FIR in question indicates that it was primarily a dispute with regard to the post of Lumberdar of village Chunni Kalan,

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which has now been settled between them and therefore, it would be in the interest of justice that the matter having been compromised should be come to an end and the continuation of proceedings before the trial Court would be merely a futile exercise.

Keeping in view the factum of compromise having been entered into between the parties, which has been found to be genuine as per the report of the Chief Judicial Magistrate, Roop Nagar, and in the light of the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***', decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the present petition is allowed. FIR No.241 dated 29.12.2016, under Sections 420, 465, 466, 468, 471 and 469 of the Indian Penal Code registered at Police Station City Roop Nagar, District Roop Nagar, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

8th March, 2018

Harish

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