

**CRM-M-33363-2017**

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

**CRM-M-33363-2017**

**Date of Decision: 19<sup>th</sup> January, 2018**

**Harkanwaljit Singh**

...Petitioner

Versus

**State of Punjab & another**

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI**

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

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Kanwarbir Singh Sidhu, Advocate  
for respondent No.2.

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**AUGUSTINE GEORGE MASI, J. (ORAL)**

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.74 dated 04.06.2017, under Sections 420, 468 and 471 of the Indian Penal Code, registered at Police Station City Fatehgarh Sahib, District Fatehgarh Sahib (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.

On 08.09.2017, when the case taken up for hearing, following order was passed:-

“Prayer in this petition is for quashing of the FIR

along with all consequential proceedings arising therefrom on the basis of compromise between the parties.

Notice of motion for 21.11.2017.

At this stage, Mr. Kanwarbir Singh Sidhu, Advocate has put in appearance on behalf of respondent No.2 and accepts the factum of compromise effected between the parties. Power of attorney filed on behalf of respondent No.2 is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 11.10.2017.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;
  - (ii) Whether any accused is proclaimed offender;
- and,
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

In pursuance to the above order passed by this Court, parties had appeared before the Judicial Magistrate First Class, Fatehgarh Sahib, on 11.10.2017 and got recorded their statements, wherein, they stated that a

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compromise has been entered into between them. After recording the statements, the Judicial Magistrate First Class, Fatehgarh Sahib has submitted its report, according to which, compromise arrived at between the parties is genuine, voluntary and is not a result of any pressure or coercion in any manner. It has further been stated that the petitioner is not a proclaimed offender.

In the light of the fact that the parties have entered into a compromise and keeping in view the report submitted by the Judicial Magistrate First Class, Fatehgarh Sahib as also the principles laid down by the Hon'ble Supreme Court in *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* and 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.74 dated 04.06.2017, under Sections 420, 468 and 471 of the Indian Penal Code, registered at Police Station City Fatehgarh Sahib, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

( AUGUSTINE GEORGE MASIH )  
JUDGE

19<sup>th</sup> January, 2018  
Harish

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