

258.

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

CRM-M-34684-2018

Date of decision:12.11.2018.

KEWAL KRISHAN AND ANR.

... Petitioners

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jaswinder Singh Grewal, 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.116 dated 12.07.2018 registered under Sections 420, 120-B of IPC at Police Station City-1 Abohar, Tehsil Abohar, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.08.2018 (Annexure P-2).

This Court vide order dated 13.08.2018 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 Sub Divisional Judicial Magistrate, Abohar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.09.2018 to the effect that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Gurmeet Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 10.09.2018. The same is reproduced as under:-

“Stated that FIR No.116 dated 12.07.2018 U/s 420/120-B of IPC, PS City 1 Abohar was registered against the accused persons namely Kewal Krishan and Sawarna Devi on my statement. I was the only injured/complainant of the abovesaid FIR. No other person was victim of the occurrence mentioned in the said FIR. None of the accused has been declared proclaimed offender in the present case and no other litigation is pending between the parties. I have compromised the matter with accused with my own free-will and without any pressure. I do not want to proceed further against accused Kewal Krishan and Sawarna Devi and no PO proceedings are pending against the accused in the present case. I have no objection if accused Kewal Krishan and Sawarna Devi are acquitted/discharged in the present case and if their quashing petition is accepted by Hon'ble Punjab & Haryana High Court.”

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 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 F.I.R. No.116 dated 12.07.2018 registered under Sections 420, 120-B of IPC at Police Station City-1 Abohar, Tehsil Abohar, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.08.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

12.11.2018
sanjeev/sunil devi

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