

273.

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

CRM-M-36854-2018

Date of decision:27.11.2018.

Lakhwinder Singh through his Special Power of Attorney Sandeep Singh.
... Petitioner

Versus

State of Punjab and another
.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Parminder Singh Kanwar, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Ms. Jyoti, Advocate, for
Mr. Amit Arora, Advocate,
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.168 dated 04.11.2017 registered under Sections 420, 406 of IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.02.2018 (Annexure P-2).

This Court vide order dated 27.08.2018 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

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.10.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Kulbhushan Singh has made his statement with regard to compromise before learned Magistrate on 17.09.2018. The same is reproduced as under:-

“That with the intervention of the respectables of the area, I have entered into a compromise with the accused without any pressure and undue influence in order to establish peace and harmony with the intervention of respectable. Copy of compromise dated 7.2.2018 is Ex.C1. Petition under Section 482 Cr.P.C. is pending in the Hon'ble Punjab and Haryana High Court for quashing of case in FIR no.168 dated 4.11.2017 u/s 420, 406 of IPC registered at Police Station Mukerian. I have effected the compromise with the accused voluntarily and without any pressure. The compromise effected between us is genuine. I have made this statement today in the Court voluntarily and without any pressure and coercion. I have no objection if case in FIR no.168 dated 4.11.2017 u/s 420, 406 of IPC registered at Police Station Mukerian be quashed.”

Learned counsel for the petitioner states that a compromise was entered between the parties on 07.02.2018 and the petitioner-Lakhwinder

on 27.07.2018 authorizing him to enter into compromise or to file the present petition for quashing of FIR.

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have not disputed the factum of compromise arrived at 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.168 dated 04.11.2017 registered under Sections 420, 406 of IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 07.02.2018 (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

27.11.2018
sanjeev

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