

CRM-M-3737-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3737-2018

Date of Decision: 14th May, 2018

Harmohan Parkash Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajesh Kapila, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Ms. Karmanjot Kaur, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This case came up for hearing before this Court on 30.01.2018
when following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.322 dated 25.10.2017, registered under Sections 420/120-B of the IPC, at Police Station City Ferozepur, District Ferozepur, on the basis of a compromise arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Counsel for the petitioners undertakes to hand over a copy of the petition to the counsel for the State during

the course of the day.

Ms. Karmanjot Kaur, Advocate, accepts notice on behalf of respondent No.2 and admits the compromise (Annexure P-2).

The parties are directed to appear before the Chief Judicial Magistrate/Illaq Magistrate, Ferozepur, on **26.02.2018** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Magistrate is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report along with the recorded statements before the next date of hearing containing the following information:-

- (i) Whether the statements of the parties are *bona fide* and are not result of any pressure or coercion etc. in any manner?
- (ii) Whether the compromise effected between the parties is genuine and valid?
- (iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person (s).
- (iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof.
- (v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

To come up before this Court on **27.03.2018**.

Copy of this order be sent to the Chief Judicial Magistrate/Illaq Magistrate concerned forthwith for

information and compliance.”

In compliance with the above order, parties appeared before the Chief Judicial Magistrate, Ferozepur and got recorded their respective statements on different dates. On the basis of the statements of the parties, Chief Judicial Magistrate, Ferozepur, has given its report dated 06.03.2018, wherein, it has been concluded that the parties have entered into a valid and genuine compromise, which is voluntary and out of free will of the parties.

In the light of the report of the Chief Judicial Magistrate, Ferozepur, referred to above, counsel for the petitioners as also counsel for complainant-respondent No.2 submit that the present petition may be allowed as the matter has been compromised.

Counsel for complainant-respondent No.2 asserts that the compromise which has been entered into between the parties being genuine has been acted upon and complainant-respondent No.2 has no objection in case the FIR in question along with all consequential proceedings arising therefrom are quashed as he does not want to pursue the same any further.

In view of the above statements of the counsel for the parties as also the report of the Chief Judicial Magistrate, Ferozepur, referred to above with the fact that the matter has been amicably resolved between the parties, which was primarily a money dispute, interest of justice would require this to be brought to an end living the parties to move on in light.

In the light of the above and 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.***

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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.322 dated 25.10.2017, registered under Sections 420/120-B of the IPC, at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

14th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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