

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

261

CRM-M-4120-2018

Date of decision: 23.04.2018

Yadwinder Singh @ Bittu

...PETITIONER

VERSUS

State of Punjab and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Mandeep Kaur Madahar, Advocate,
for Mr. Harneet Singh Oberoi, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab,
for the State.

None for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 17 dated 20.01.2018 (Annexure P-1) under Section 420 IPC registered at Police Station City Sunam and all consequential proceedings arising therefrom in the light of the compromise dated 24.01.2018 (Annexure P-2).

On 01.02.2018, when this case came up for hearing, the following order was passed:-

“ Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.17, dated 20.01.2018 (Annexure P-1), registered under Section 420 of the IPC at Police Station City, Sunam and all consequential proceedings

arising therefrom, on the basis of compromise dated 24.01.2018 (Annexure P-2) 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 petitioner has handed over a copy of the petition to the counsel for the State.

Mr. Anupam Gupta, Advocate, has filed power of attorney on behalf of respondent No.2-complainant and admits the compromise (Annexure P-2).

Counsel for the parties state that except for the complainant, there is no other person who is effected. The complainant, in the light of the compromise, does not want to pursue the FIR which he had got recorded against the petitioner. Counsel jointly state that the parties will appear before the Illaqa Magistrate, Sunam, to get their statements recorded.

The parties are directed to appear before the Illaqa Magistrate, Sunam, on **19.02.2018** 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 Illaqa Magistrate is directed to record the statements of 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 **23.04.2018**.

Copy of this order be sent to Illaqa Magistrate concerned forthwith for information and compliance.”

In compliance with and in accordance with the order passed by this Court, the parties appeared before the SDJM, Sunam on 19.02.2018 who has proceeded to record their statements and on the basis of the same, report has been submitted indicating that the compromise, which has been entered into between the parties, is genuine, valid, voluntary and with free consent.

In the light of the report of the SDJM, Sunam dated 19.02.2018, counsel for the petitioner prays for the present petition to be allowed by quashing the FIR in question along with all consequential proceedings arising therefrom.

Keeping in view the fact that the compromise, which has been entered into between the parties dated 24.01.2018 (Annexure P-2), has been found to be genuine as per the report of the SDJM, Sunam and keeping in

view the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 and CrI. Appeal No. 1723 of 2017 titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, the present petition is allowed. FIR No. 17 dated 20.01.2018 (Annexure P-1) under Section 420 IPC registered at Police Station City Sunam and all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

April 23, 2018*pj***(AUGUSTINE GEORGE MASIH)
JUDGE****Whether speaking/reasoned: Yes/No****Whether Reportable: Yes/No**