

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

CRM-M No.4183 of 2018

Date of Decision : 07.05.2018

Naresh Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Sagar Aggarwal, Advocate
for the petitioner.

Mr. Kirat S. Sidhu, Deputy Advocate General, Punjab
for respondent No.1-State.

Mr. Vinod K. Kanwal, Advocate
for respondents No.2 to 5.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who is the accused in F.I.R No.142, dated 19th June, 2010, under Sections 452/457/380/506/148/149 of the Indian Penal Code, registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1), has prayed for quashing of F.I.R. with all subsequent proceedings pending therefrom, on the basis of compromise.

2. Vide order dated 3rd April, 2018 the parties were directed to appear before the Ld. Trial Court/Illaq Magistrate for recording of their statements in support of compromise and Ld. Magistrate was directed to submit his report with regard to genuineness of the

compromise arrived at between the parties.

3. Seen the report sent up by the Ld. Chief Judicial Magistrate, Tarn Taran vide his Endorsement No.1072 dated 19th April, 2018, whereby it has been mentioned that “3) *In absence of the Statement of original complainant/victim/informer, the report regarding genuineness of the compromise cannot be submitted*”. At the same time, it is seen from the enclosed documents that statement of the complainant/victim-Narinder Singh was actually recorded by the Ld. Chief Judicial Magistrate on 18th April, 2018 in which the complainant had stated “*that the matter has been compromised with Naresh Kumar without any threat or pressure. I have no objection if the FIR No.142 dated 19.06.2010 under section 452/457/380/ 506/148/149 IPC, Police Station City Tarn Taran may be quashed. No person has been declared as proclaimed person in this case*”.

4. Clearly there appears to be some oversight on the part of the Ld. Chief Judicial Magistrate as he has also mentioned in the upper para of his report that statements of the parties were recorded and that they have amicably compromised the matter in dispute and have no objection if the FIR is quashed by the Hon'ble High Court.

5. Respondents No. 2 to 5 are represented by their counsel who does not dispute the factum of compromise.

6. In view of the report of the Ld. Chief Judicial Magistrate,

Tarn Taran, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant/respondent No.2 and other victims/respondents No.3 to 5 have themselves compromised the dispute with the petitioner/accused.

7. In the circumstances, the present petition is allowed. F.I.R No.142, dated 19th June, 2010, under Sections 452/457/380/506/148/149 of the Indian Penal Code, registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed *qua* the present petitioner.

May 07, 2018
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No