

246.

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

CRM-M-42243-2018

Date of decision:18.12.2018

VIJAY KUMAR @ SONU & ORS

... Petitioners

Versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, 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.0102 dated 28.06.2018 registered under Section 420 of IPC at Police Station City Kotkapura, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.07.2018 (Annexure P-2).

This Court vide order dated 25.09.2018 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 Judicial Magistrate Ist Class, Faridkot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 04.12.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Lovely Jindal, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 27.11.2018. The same is reproduced as under:-

“Stated that earlier I recorded my statement dated 29.10.2018 that I do not want to compromise in the present FIR as the accused failed to comply with their part of performance as per compromise. However, subsequent my said statement lateron the accused persons have given agreed a sum of money to me as per the terms of the said compromise and nothing is left on their part to perform regarding said compromise. So, I am suffering my present fresh statement and my earlier statement be not considered. So, by my present new statement, I do not want to proceed with the present FIR. I have no objection if the present FIR is quashed as per law.”

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***

registered under Section 420 of IPC at Police Station City Kotkapura, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 15.07.2018 (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

18.12.2018
sanjeev

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