

CRM-M-4341-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4341-2018

Date of Decision: 21st May, 2018

Dr. Vijay Pal Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amarjit Singh Ahluwalia, Advocate, for the petitioners.
Mr. Kuldeep Singh, Sr. DAG, Punjab.
Mr. Lalit Pathak, Advocate for complainant-respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This case came up for hearing before this Court on 02.02.2018,
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.284, dated 14.12.2010 (Annexure P-1), registered under Sections 420, 467, 468, 471, 120-B of the IPC at Police Station City, Tarn Taran, and all the subsequent proceedings arising out from the FIR, on the basis of a compromise dated 25.01.2018 (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 petitioners has supplied a copy of the petition to the counsel for the State.

Mr. Lalit Pathak, Advocate, has filed power of

attorney on behalf of respondent No.2-complainant and states that a compromise has indeed been entered into between the parties. The same has been placed on record as Annexure P-2.

Counsel for the parties informed the Court that the case is fixed before the trial Court tomorrow i.e. 03.02.2018 and that the parties would appear before the trial Court and give their statements with reference to the compromise dated 25.01.2018 (Annexure P-2).

The parties are directed to appear before the trial Court on **03.02.2018** 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 trial Court 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 **23.03.2018**.

Copy of this order be sent to trial Court concerned for information and compliance.

Copy of this order be given *dasti* to the counsel for the petitioners under signatures of Bench Secretary of this Court.”

In compliance with the above order, parties appeared before the Chief Judicial Magistrate, Tarn Taran, on 03.02.2018 and got recorded their respective statements. The Chief Judicial Magistrate, Tarn Taran, on the basis of the statements of the parties, has submitted a report dated 03.02.2018, wherein, it has been concluded that the Court is satisfied that the compromise, which has been entered into between the parties, is voluntary and genuine.

Counsel for the petitioners, in the light of the report of Chief Judicial Magistrate, Tarn Taran, referred to above, prays that the present petition be allowed and the FIR which has been registered at the behest of complainant-respondent No.2 be quashed as the parties have amicably resolved their dispute.

Counsel for respondent No.2-complainant states that he has no objection to the said prayer in the light of the compromise which has been entered into between the parties dated 25.01.2018 (Annexure P-2) and complainant-respondent No.2 stands by the said compromise.

Keeping in view the facts and circumstances of the case where the parties have amicably resolved the dispute and they do not want to further pursue the same by prolonging the agony and the matter being

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primarily civil in nature, the interest of justice would be duly served by allowing the present petition.

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. 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.284, dated 14.12.2010 (Annexure P-1), registered under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, at Police Station City, Tarn Taran, and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

(AUGUSTINE GEORGE MASIH)
JUDGE

21st May, 2018

Harish

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