

273.

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

CRM-M-44515-2018

Date of decision:28.11.2018

VIVEK SANORTA

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Jagmohan Ghumman, 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.246 dated 11.12.2017 registered under Sections 419/420/465/467 of IPC and Section 15(2)(b) of Indian Medical Council, Act, 1956, at Police Station Rama Mandi, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.09.2018 (Annexure P-2).

This Court vide order dated 08.10.2018 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, Jalandhar and got their statements

submitted report dated 03.11.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure, out of free will, duress or any undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sonia Sharma (Advocate), but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 26.10.2018. The same is reproduced as under:-

“I have arrived at a memorandum of understanding/ compromise in this matter with the accused namely Vivek Sanotra, S/o Dev Raj, R/o H.No.114, Geeta Colony, Jalandhar with the intervention of the respectables. I have got the refund of amount paid to the accused. The matter has come to an end after I have pardoned the accused of the wrong done to my father. I have no grudge left with the accused. The memorandum of understanding/compromise which has been placed on record before the Hon'ble High Court has been signed by me voluntary, without any pressure, coercion and undue influence exerted from the side of the accused. I do not want to proceed with the present case and I have no objection if the present case FIR is quashed against the accused. The copy of driving licence is EX.C2.”

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

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 SCC 303**, this petition is allowed and F.I.R. No.246 dated 11.12.2017 registered under Sections 419/420/465/467 of IPC and Section 15(2)(b) of Indian Medical Council, Act, 1956, at Police Station Rama Mandi, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 15.09.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

28.11.2018
sanjeev

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