

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

268

CRM-M-43666-2017

Date of decision: 28.03.2018

Chandan Singh

...PETITIONER

VERSUS

State of Punjab and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jasjeet Singh, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State.

Mr. Jaiteshwar Singh, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 111 dated 30.06.2017 (Annexure P-1) under Sections 420, 406 IPC registered at Police Station City Rupnagar, District Rupnagar and all consequential proceedings arising therefrom in the light of the compromise, which has been entered into between the parties which stands acknowledged in the affidavit dated 04.10.2017 (Annexure P-2).

On 07.02.2018, when this case came up for hearing, the following order was passed:-

“ Service is complete.

Learned counsel for the petitioner as well as learned counsel for respondent No.2 state that compromise has been

effected between the parties.

Now the parties are directed to appear before the learned trial Court where the case is pending on 28.02.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court, is directed to send the report regarding the genuineness, of compromise on or before the date fixed i.e.28.03.2018.

A copy of this order be sent to learned trial Court, through fax, for compliance.”

In compliance with and in accordance with the order passed by this Court, the parties appeared before the JMIC/Duty, Rupnagar on 28.02.2018 and got recorded their respective statements. In the light of the statements given by the parties, the learned JMIC/Duty, Rupnagar has submitted his report dated 28.02.2018. As per the said report, the parties have entered into a compromise on the sweet will and without any inducement and coercion and the same is genuine. It has further been observed that the compromise, if accepted, would be beneficial to the interest of both the parties.

Counsel for the petitioner as also the counsel for the complainant-respondent No. 2, in the light of the report of the JMIC/Duty, Rupnagar, referred to above, pray for allowing the present petition. Counsel for the complainant-respondent No. 2 states that the dispute having been amicably resolved and the complainant having received the amount which the petitioner had taken, he does not want to pursue the matter any further and has no objection if the FIR is quashed, which was registered at his behest.

In the light of the above 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 Crl. 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. 111 dated 30.06.2017 (Annexure P-1) under Sections 420, 406 IPC registered at Police Station City Rupnagar, District Rupnagar and all consequential proceedings arising therefrom are hereby quashed.

March 28, 2018*pj***(AUGUSTINE GEORGE MASIH)
JUDGE****Whether speaking/reasoned: Yes/No****Whether Reportable: Yes/No**