

CRM-M-4501-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4501-2018

Date of Decision: 9th May, 2018

Swaran Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Siddharth Mittal, Advocate, for
Mr. Deepak Aggarwal, Advocate, for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

None for respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.226 dated 12.11.2017, under Sections 406, 411 and 420 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Civil Lines Bathinda, District Bathinda, (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise which is in the form of affidavit of complainant-respondent No.2 dated 16.01.2018 (Annexure P-2).

The case came up for hearing before this Court on 05.02.2018, 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.226, dated 12.11.2017, registered under Sections 406, 411, 420 of the IPC, at Police Station Civil Lines, District Bathinda (Annexure P-1) on the basis of a compromise dated

16.01.2018 (Annexure P-2) which is in the form of an affidavit of the complainant-Ravinder Singh,

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1. Counsel for the petitioner has handed over a copy of the petition to counsel for the State in Court.

Mr. Nipun Gupta, Advocate, accepts notice on behalf of respondent No.2 and states that a compromise has been entered into between the parties and he owns the affidavit of complainant dated 16.01.2018 (Annexure P-2).

Counsel for the complainant states that although another person has been mentioned as an accused namely Sukhraj Singh in the FIR but since complainant has received back his mobile phone which was taken away by Sukhraj Singh, he has no objection to the quashing of the FIR as a whole.

Counsel for the parties state that the investigation is still in progress and challan has not yet been presented.

The parties are directed to appear before the Illaqa Magistrate/Trial Court at Bathinda on **21.02.2018** 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 Illaqa Magistrate/Trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide 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 on **04.04.2018**.

Copy of this order be sent to Illaqa Magistrate/ Trial Court concerned for information and compliance.”

In compliance with the above order, parties appeared before the Chief Judicial Magistrate, Bathinda, on 21.02.2018 and got recorded their respective statements. The Court, after recording the statements of the parties, submitted a report dated 26.02.2018, in which, it has been concluded that the compromise, which has been entered into between the parties, is *bona fide* and not a result of any pressure or coercion etc. in any manner. The compromise appears to be genuine and valid.

Counsel for the petitioner, in the light of the report of Chief Judicial Magistrate, Bathinda, referred to above, prays that the present petition be allowed as complainant-respondent No.2 is not interested in pursuing the FIR which has been registered at his behest because of the compromise entered into between the parties, which has been found to be genuine.

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Keeping in view the compromise which is in the form of affidavit of complainant-respondent No.2 dated 16.01.2018 (Annexure P-2) and the report dated 26.02.2018 submitted by the Chief Judicial Magistrate, Bathinda, where the said compromise entered into between the parties has been found to be genuine and valid, the interest of justice would be duly served by bringing an end to the dispute between the parties which has been amicably resolved. Forcing the parties appearing before the Court would be a futile exercise, therefore, the present petition requires to be allowed.

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.226 dated 12.11.2017, under Sections 406, 411 and 420 of IPC, registered at Police Station Civil Lines Bathinda, District Bathinda, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

(AUGUSTINE GEORGE MASIH)
JUDGE

9th May, 2018

Harish

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