

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

259

CRM-M-45430-2017

Date of Decision: 14.08.2018

Vipin Jain alias Vipin Kumar Jain

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Mr. SPS Tinna, Additional Advocate General, Punjab.

Mr. Rajdeep Singh Gill, Advocate for
Mr. Neeraj Jain, Advocate,
for respondent No.2.

HARI PAL VERMA , J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0212 dated 06.09.2017 under Sections 451, 506, 427, 149 IPC, registered at Police Station Sadar Ludhiana, Police Commissionerate Ludhiana, Punjab (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.11.2017 (Annexure P-2).

This Court vide order dated 30.11.2017 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, Ludhiana and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.12.2017 to the effect that the compromise has been effected between the parties and the same is genuine and they got their statements recorded before the Court voluntarily and without any pressure.

Respondent No.2-complainant, namely, Rajnish Arora, has made a statement with regard to compromise before learned Magistrate on 13.12.2017. The same is reproduced as under:-

“Stated that the present FIR No. 212 dated 06.09.2017 under Section 451, 506, 427, 149 IPC, PS Sadar, Ludhiana was registered at my instance against accused namely Vipin Jain @ Vipin Kumar Jain @ Vipin Kumar Jain. With the intervention of respectables, I have compromised the matter with accused Vipin Jain @ Vipin Kumar Jain @ Vipin Kumar Jain on 14.11.2017. The said compromise has been effected voluntarily, genuinely and without any coercion or undue influence and with the free will of both the parties. One civil suit is also pending between us which is pending in the Court of Ms. Shilpa, Ld. CJJD, Ludhiana titled as 'Rajnish Arora & another Vs. M/s Trimurti Colonizer and Construction Pvt. Ltd. & Ors' which is pending for 23.01.2018. I will withdraw the same on the next date of hearing i.e. 23.01.2018. Now on the basis of compromise, I have no objection if the present FIR qua accused Vipin Jain @ Vipin Kumar Jain @ Vipin Kumar Jain be quashed.”

Learned State counsel as well as learned counsel for respondent No.2 have 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 SCC 303*, this petition is allowed and FIR No.0212 dated 06.09.2017 under Sections 451, 506, 427, 149 IPC, registered at Police Station Sadar Ludhiana, Police Commissionerate Ludhiana, Punjab (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 17.11.2017(Annexure P-2).

August 14, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No