

250.

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

CRM-M-46574-2016

Date of decision:12.09.2018.

ASHOK KUMAR

... Petitioner

Versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

Mr. Puneet Sharma, Advocate, for
Mr. G. S. Rawat, Advocate,
for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.65 dated 14.06.2014 registered under Sections 420, 467, 468, 471, 120B IPC at Police Station Division No.6, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.01.2015 (Annexure P-2).

This Court vide order dated 20.11.2017 had directed the parties to appear before the 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

submitted report dated 16.12.2017 to the effect that the compromise is valid, genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Learned counsel for the petitioner states that the father's name of the respondent-complainant is Joginder Singh and the same has duly been incorporated in the compromise dated 06.01.2015 as well. However, in the statements recorded before the trial Court, Manjit Singh and Jaswinder Singh have been shown as the sons of Jatinder Singh, which is an inadvertent typographical error.

Learned counsel appearing on behalf of respondents No.2 and 3 states that respondents No.2 and 3 have made statements before the trial Court and their father's name has wrongly been typed as Jatinder Singh whereas they are the sons of Joginder Singh.

In order to substantiate the fact that the father's name of respondents No.2 and 3 is Joginder Singh, learned counsel for the petitioner has produced photocopy of voter ID of Manjit Singh and the Aadhar Card of Jaswinder Singh, which are taken on record.

Respondent No.2-complainant, namely, Manjit Singh has made his statement with regard to compromise before learned Magistrate on 27.11.2017. The same is reproduced as under:-

“Stated that I am a complainant alongwith my brother Jaswinder Singh in case FIR No.65 dated 14.6.2014 under section 420, 467, 468, 471, 120-B IPC, PS Division No.6, Ludhiana against Ashok Kumar and Satish Kumar Parnami. I have compromised the matter qua Ashok Kumar. As such, I do not want to pursue the FIR against Ashok Kumar. Compromise qua Ashok Kumar has been entered voluntarily without any pressure and duress and the compromise has been executed out of my freewill and no coercion has been exercised against me. I have no objection if Ashok Kumar be discharged/acquitted in the

present FIR. I have also do not have any objection if the present FIR against Ashok Kumar only be quashed by Hon'ble High Court. I have also do not have any objection if the application u/s 319 Cr.P.C. against Pallavi w/o Ashok Kumar be dismissed as compromise. I will remain bound by the terms and conditions of said compromise Ex.C1.”

Apart from above, a similar statement has also been made by Jaswinder Singh-respondent No.3, whereby he has shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel appearing on behalf of respondents No.2 & 3 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 F.I.R. No.65 dated 14.06.2014 registered under Sections 420, 467, 468, 471, 120B IPC at Police Station Division No.6, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 06.01.2015 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.09.2018
sanjeev

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