

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

CRM-M-48449-2017

Decided on: 28.02.2018

Ram Saroop Singla @ Ram Saroop and another **Petitioner**

Versus

State of Punjab and another **Respondents**

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. Atinder Pal Singh Jaurkian, AAG, Punjab.

Mr. Davinder Kumar, Advocate,
for respondent No.2.

AUGUSTINE GEORGE MASIH, J (ORAL)

Prayer in this petition is for quashing of FIR No.130 dated 17.06.2016 registered under Sections 420, 467, 468, 471, 380 and 120-B IPC at Police Station Kotwali, Bathinda, District Bathinda (Annexure P-1) alongwith all subsequent proceedings arising therefrom on the basis of a compromise/affidavit dated 07.12.2017 (Annexure P-2) arrived at between the petitioner and respondent No.2-complainant.

On 18.12.2017, when the case taken up for hearing, following order was passed:-

“Notice of motion.

At this stage, Mr. Davinder Kumar, Advocate, has appeared and filed power of attorney on behalf of respondent No.2. On the asking of the Court, Mr. Ayush Sarna, AAG, Punjab, has accepted notice on behalf of respondent(s)-State. Copies of the paper book alongwith documents have been supplied to the said counsel.

Service is complete.

Learned counsel for the petitioners 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 01.02.2018 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 compromise on or before the date fixed i.e. 28.02.2018.

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

2. In pursuance to the above order passed by this Court, parties had appeared before the Judicial Magistrate 1st Class, Bathinda on 03.01.2018 and got recorded their respective statements, where they have stated that the compromise which has been entered between them referred to above is genuine, voluntary and without any pressure. On the basis of the statements of the parties, learned Judicial Magistrate 1st Class, Bathinda has submitted his report dated 05.01.2018, according to which, compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.

3. In view of the report of the learned Judicial Magistrate 1st Class, Bathinda and the compromise which has been entered between the parties, counsel for the petitioners state that the present petition may be allowed. Counsel for the complainant-respondent No.2 states that the complainant has no objection to the quashing of the FIR in the light of the compromise which has been entered into between the parties.

4. As the parties have amicably resolved the dispute between them and inputs thereof is a compromise/affidavit dated 07.12.2017 (Annexure P-2) which has been found to be genuine as per the report of the learned Judicial Magistrate 1st Class, Bathinda, the present petition deserves to be allowed as the parties amicably resolved the matter.

5. In the light of the fact that the parties have entered into a compromise and keeping in view the report submitted by learned Judicial Magistrate 1st Class, Bathinda, as also the principles laid down by the Hon'ble Supreme Court in *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* and 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.130 dated 17.06.2016 registered under Sections 420, 467, 468, 471, 380 and 120-B IPC at Police Station Kotwali, Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

28.02.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No