

CRM-M-48644-2017

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

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Date of Decision: 14th May, 2018

Paramjit Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Prateek Pandit, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Nitin Rampal, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.63 dated 16.09.2016, under Sections 420 and 120-B of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Dhilwan, District Kapurthala (Annexure P-1) as well as all subsequent proceedings arising therefrom, on the basis of the compromise which has been entered into between the parties, which is supported by an affidavit of the complainant (Annexure P-2).

The case came up for hearing before this Court on 19.12.2017, when following order was passed:-

“Notice of motion.

At this stage, Mr. Nitin Rampal, Advocate, has

appeared and filed vakalatnama on behalf of respondent No.2. On the asking of the Court, Ms. Simranjeet Kaur, Asstt. Advocate General, Punjab, has accepted notice on behalf of respondent(s)-State. Copies of the paper book along with 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 of compromise on or before the date fixed i.e.05.03.2018.

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

In the light of the above order, petitioners appeared before the Judicial Magistrate Ist Class, Kapurthala, on 03.01.2018 and complainant appeared before the said Court on 25.01.2018 and got recorded their respective statements. On the basis of the statements given by the parties, report dated 06.02.2018 has been submitted by the Judicial Magistrate Ist

Class, Kapurthala, wherein, it has been concluded that the compromise which has been entered into between the parties, has resolved their differences, which has been found to be without any undue influence, coercion or threat. It has been opined that the compromise is voluntary and genuine.

In the light of the report of Judicial Magistrate Ist Class, Kapurthala, referred to above as also the fact that the matter has been resolved amicably, which was primarily relatable to some piece of land between the co-sharers, counsel for the parties submit that the present petition may be allowed and the FIR in question be quashed.

Keeping in view the report of the Judicial Magistrate Ist Class, dated 06.02.2018, wherein the compromise entered into between the parties has been found to be genuine as also the fact that the dispute was related to a piece of land between the co-sharers, the resolution of the dispute would be in the interest of the parties and no useful purpose would be served by wasting the precious time of the Court unnecessarily when the dispute has been amicably settled.

In the light of the above facts and circumstances 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***

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another, 2007 (3) RCR (Criminal) 1052, the present petition is allowed.
FIR No.63 dated 16.09.2016, under Sections 420 and 120-B of IPC, registered at Police Station Dhilwan, District Kapurthala (Annexure P-1) as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

14th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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