

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

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CRM-M No.7033 of 2017

Date of Decision: February 23rd, 2018

Karnail Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Kanchan, Advocate
for Mr. Abhimanyu Vinayak, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in this petition is for quashing of FIR No.43 dated 01.03.2011 registered under Sections 406, 420 IPC, at Police Station Shahkot, District Jalandhar, and all consequential proceedings arising therefrom on the basis of a compromise dated 18.02.2017 in support of which an affidavit of the same date of complainant-Lakhwinder son of Babu Ram has been appended as Annexure P-2.

On 26.04.2017, when this case came up for hearing, following order was passed:-

“Learned counsel for the petitioner submits that the matter has since been amicably settled.

Learned State counsel submits that the challan has not been filed against the petitioner so far and the police has initiated proceedings to declare him proclaimed offender.

The parties may appear before the trial Court on 30.5.2017 or on any other date convenient to the trial Court and get their statements recorded with regard to the compromise. The original compromise shall be produced

before the trial Court. In the event of their statements being recorded, the trial Court will send a copy of the same to this Court with its report:

(i) regarding genuineness and voluntary nature of the compromise;

(ii) whether all the accused/petitioner is appearing before the Court or is on bail; and

(iii) whether any other proceeding is pending against the accused/petitioner.

List on 31.7.2017.”

In compliance with the order passed by this Court, report has been received from the Judicial Magistrate Ist Class, Nakodar, dated 30.05.2017, according to which the petitioner and respondent No.2-complainant had appeared before the trial Court and got recorded their respective statements. On the basis of the said statements, learned Judicial Magistrate Ist Class has stated that the compromise entered into between the parties appears to be genuine one having been arrived at between the parties with free will without any pressure or coercion and that there is nothing on record to doubt the genuineness of the compromise arrived at between the parties.

Counsel for the complainant states that the FIR was registered on the basis of the fact that some money was taken by the petitioner which has now been received by the complainant and, therefore, the petitioner does not want to pursue the present FIR which has been registered against the petitioner. She further states that the complainant has no objection in case the FIR registered against the petitioner is quashed as he has no grudge against the petitioner any more.

Counsel for the State, on instructions from ASI Jasbir Singh,

Police Station Shahkot, District Jalandhar, states that the petitioner is not a proclaimed offender as yet.

In view of the above keeping in view the fact that the matter has been amicably resolved and the complainant is not interested in pursuing the complaint which he had filed which has resulted in the registration of the FIR in question and he has no objection to the quashing of the said FIR as also keeping in view 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*** as also the judgment of Supreme Court in ***Narinder Singh and others Versus State of Punjab 2014 (2) RCR (Criminal) 482***, the present petition is allowed and FIR No.43 dated 01.03.2011 registered under Sections 406, 420 IPC, at Police Station Shahkot, District Jalandhar, and all consequential proceedings arising therefrom, are hereby quashed.

February 23rd, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No