

CRM-M-5688-2018

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

CRM-M-5688-2018

Date of Decision: 11th May, 2018

Suresh Kumar

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. H.P.S. Ghuman, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

None for respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.146 dated 27.09.2014, under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Kotwali Nabha, District Patiala, (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise dated 01.02.2018 (Annexure P-2) entered into between the parties.

The case came up for hearing before this Court on 12.02.2018, when following order was passed:-

“Prayer in this petition filed under Section 482 of the Cr.P.C. Is for quashing of FIR No.146 dated 27.09.2014 (Annexure P-1) registered under Sections

420, 465, 467, 468, 471, 120-B of the IPC, at Police Station Kotwali, Nabha, District Patiala, on the basis of a compromise dated 01.02.2018 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Counsel for the petitioner has handed over a copy of the petition to the counsel for the State.

Mr. Shiva Khurmi, Advocate, for Ms. Hem Lata Thakur, Advocate, accepts notice on behalf of complainant-respondent No.2 and acknowledges the fact that a compromise dated 01.02.2018 (Annexure P-2) has been entered into between the parties.

Counsel for the petitioner and the complainant state that the parties would appear before the trial Court on the next date of hearing fixed before the trial Court.

In view of the statements made by the counsel for the parties, the parties are directed to appear before the trial Court on the next date of hearing for recording of their statements with regard to the above referred compromise.

The trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report along with the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?
- (ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

To come up before this Court on 04.04.2018.

Copy of this order be sent to trial Court concerned forthwith for information and compliance.”

In compliance with the above order, parties appeared before the Sub Divisional Judicial Magistrate, Nabha, on 17.02.2018 and got recorded their respective statements. The Court, after recording the statements of the parties, submitted a report dated 20.02.2018, in which, it has been opined that the compromise, which has been entered into between the parties, is genuine and valid and the same has been made voluntarily, without any pressure or coercion.

Counsel for the petitioner, in the light of the report of Sub Divisional Judicial Magistrate, Nabha, referred to above, prays that the present petition be allowed as the parties have amicably resolved their differences and disputes and complainant-respondent No.2 is not interested in pursuing the FIR which has been registered at his behest.

Keeping in view the compromise dated 01.02.2018 (Annexure P-2) and the report dated 20.02.2018 submitted by the Sub Divisional Judicial Magistrate, Nabha, where the said compromise entered into

between the parties has been found to be genuine and valid, continuation of the proceedings may not be in the interest of justice as the dispute stands amicably resolved by the parties. Therefore, the present petition requires to be allowed.

In the light of the above 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 another, 2007 (3) RCR (Criminal) 1052***, the present petition is allowed. FIR No.146 dated 27.09.2014, under Sections 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station Kotwali Nabha, District Patiala, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

11th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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