

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
267**

CRM-M-7461-2018

Date of decision: 26.04.2018

Joginder

...PETITIONER

VERSUS

Kishan Lal @ Krishan Lal and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vivek Khatri, Advocate,
for the petitioner.

None for respondent No. 1.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in this petition is for quashing of Criminal Complaint No. 168-1, dated 13.09.2007 (Annexure P-1) under Sections 420/468/471/120-B IPC and all consequential proceedings arising therefrom in the light of the compromise dated 15.02.2018 (Annexure P-3).

On 22.02.2018, when this case came up for hearing, the following order was passed:-

“ Prayer in the present petition filed under Section 482 of the Cr. P.C. is for quashing of Criminal Complaint No.168-I, dated 13.09.2007, under Sections 420, 468, 471, 120-B of IPC (Annexure P-1) and all subsequent proceedings arising

therefrom including the judgment of conviction dated 14.02.2017 and order of sentence dated 17.02.2017 (Annexure P-2) passed by the learned Judicial Magistrate First Class, Hisar, on the basis of a compromise dated 15.02.2018 (Annexure P-3) arrived at between the parties.

Notice of motion.

Mr. Mr. Lajpat Sharma, Advocate, accepts notice on behalf of respondent No.1 and admits the compromise (Annexure P-3).

On the asking of the Court, Mr. Sharad K. Yadav, DAG, Haryana, accepts notice on behalf of respondent No.2. Counsel for the petitioner undertakes to hand over a copy of the petition to him during the course of the day.

Counsel for the petitioner states that the next date of hearing before the Appellate Court is 01.03.2018 and on that date, parties would appear before the Court for giving their statements.

The parties are directed to appear before the Appellate Court, Hisar on **01.03.2018** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

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

(i). Whether the statements of the parties are bonafide 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 on **26.04.2018**.

Copy of this order be sent forthwith to the Appellate Court concerned where the appeal is pending, for information and compliance.”

In pursuance to the said order, the parties appeared before the Additional Sessions Judge, Hisar, on 01.03.2018 and got recorded their respective statements. On the basis of the statements recorded by the Court, the learned Additional Sessions Judge, Hisar, has submitted a report dated 20.03.2018. As per the said report, the compromise dated 15.02.2018 (Annexure P-3) entered into between the parties is bona-fide and not a result of any pressure or coercion etc. and the same is genuine and valid.

In the light of the said report, counsel for the the petitioner prays that the present petition be allowed as the matter has been amicably settled on the basis of the compromise entered into between the parties, which is found to be genuine.

Keeping in view the fact that the matter has been amicably resolved between the parties and there is no dispute as of now between them especially when the complainant has no objection with regard to the prayer made in the present petition and in the light of the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR

(Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 and Crl. Appeal No. 1723 of 2017 titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, the present petition is allowed. Criminal Complaint No. 168-1, dated 13.09.2007 (Annexure P-1) under Sections 420/468/471/120-B IPC and all consequential proceedings arising therefrom including the judgment of conviction dated 14.02.2017 and order of sentence dated 17.02.2017 (Annexure P-2) passed by the learned Judicial Magistrate First Class, Hisar, are hereby quashed.

April 26, 2018*pj***(AUGUSTINE GEORGE MASIH)
JUDGE****Whether speaking/reasoned: Yes/No****Whether Reportable: Yes/No**