

261.

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

CRM-M-7471-2018

Date of decision:19.07.2018.

AASHISH LUTHRA

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.P. Soi, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

Ms. Parveen, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.79 dated 13.02.2010 registered under Sections 420, 406 IPC at Police Station Civil Lines, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.02.2018 (Annexure P-2).

This Court vide order dated 16.04.2018 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.05.2018 to the effect that the parties have entered into compromise without any pressure, coercion, undue influence and same has been done with the free consent of the parties.

Respondent No.2-complainant, namely, Pavijeet Singh Gill @ Pavijit Singh has made his statement with regard to compromise before learned Magistrate on 03.05.2018. The same is reproduced as under:-

“Stated that I got registered an FIR No.79 dated 13.03.2010 P.S. Civil Line, City, Amritsar under Section 420/406 of IPC against accused Aashish Luthra son of Ram Parkash Luthra, r/o C-12, Plot No.83, Shiv Krupa, co-operative Housing Society, Malvani Malad (West) Mumbai. Now I have compromised the matter with the above said accused amicably. The copy of the said compromise/Settlement is already filed before the Hon'ble High Court and the photocopy duly attested by the notary public is herewith as Ex.C1. The said compromise was effected without any coercion, pressure and undue influence and with my free will and I have no objection if the above said FIR registered against the above said accused be quashed. There is no other accused except the petitioner further no accused in this case has been absconding or declared P.O.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following 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 and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.79 dated 13.02.2010 registered under Sections 420, 406 IPC at Police Station Civil Lines, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 09.02.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

19.07.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No