

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-7806 of 2018

Date of decision: 15.05.2018

Puran Chand and another

...PETITIONERS

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Akash Deep Sethi, Advocate,
for the petitioners.**

**Mr. Kuldeep Singh, Sr. DAG, Punjab,
for the State.**

None for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 118 dated 24.11.2017 (Annexure P-1) under Sections 420, 120-B IPC registered at Police Station City Fazilka, Punjab and all consequential proceedings arising therefrom in the light of the compromise dated 19.12.2017 (Annexure P-2).

When this case came up for hearing on 23.02.2018, the following order was passed:-

“ Prayer in this petition filed under Section 482 of the Cr.P.C. Is for quashing of FIR No.118 dated 24.11.2017 (Annexure P-1) registered under Sections 420, 120-B IPC, at Police Station City, Fazilka, on the basis of a compromise

arrived at between the parties.

Notice of motion.

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

Counsel for the petitioner undertakes to hand over a copy of the petition to the counsel for the State during the course of the day.

Mr. Priyanshu Kumar, Advocate, has filed power of attorney on behalf of respondent No.2 and acknowledges the fact that a compromise has indeed been entered into between the parties and also admits the execution of the affidavit dated 19.12.2017 (Annexure P-2) acknowledging the fact of compromise.

Counsel for the parties state that the parties would appear before the Illaqa Magistrate, Fazilka, on 12.03.2018 to give their respective statements with reference to the compromise entered into between the parties.

In view of the statement made by the counsel for the parties, parties are directed to appear before the Illaqa Magistrate, Fazilka, on **12.03.2018** 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 Illaqa Magistrate 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 **15.05.2018**.

Copy of this order be sent to Illaqa Magistrate concerned forthwith for information and compliance.”

In compliance with the order passed by this Court, the parties appeared before the Chief Judicial Magistrate, Fazilka on 20.03.2018 and got recorded their respective statements with reference to the compromise entered into between them. On the basis of the statements, so recorded, learned Chief Judicial Magistrate, Fazilka has submitted a report dated 08.05.2018, wherein it has been concluded that the compromise, which has been effected between the parties, is genuine and valid.

In the light of the above report, counsel for the petitioners prays that the present petition may be allowed as the matter has been amicably resolved and there is no grudge, as of now, at the hands of respondent No.

2-complainant against the petitioners.

Having considered the facts and circumstances of the present case as also the report of the Chief Judicial Magistrate, Fazilka dated 08.05.2018, the interest of justice would be duly served by putting to an end to the litigation and the dispute between the parties as the Chief Judicial Magistrate, Fazilka has found that the compromise, which has been entered into between the parties, is genuine and valid. Continuation of these proceedings would merely be sheer wastage of time and energy of the Court as the matter has been amicably settled between the parties.

In the light of the above and keeping in view 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. FIR No. 118 dated 24.11.2017 (Annexure P-1) under Sections 420, 120-B IPC registered at Police Station City Fazilka, Punjab and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

May 15, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No