

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-7856 of 2018

Date of decision: 15.05.2018

Amarjit Singh Gambhir

...PETITIONER

VERSUS

Deewan Singh Jaggi and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Mohan Singh Chauhan, Advocate,
for the petitioners.**

**Mr. Amandeep Rehal, Advocate,
for Mr. R.S.Dhillon, Advocate,
for the complainant-respondent No. 1.**

**Mr. Kuldeep Singh, Sr. DAG, Punjab,
for respondent No. 2.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of Complaint Case No. 173 of 2016 dated 10.05.2016 (Annexure P-1) under Sections 415/417/420 IPC registered at Police Station Division No. 4 Jalandhar and summoning order dated 20.07.2017 (Annexure P-2) and all consequential proceedings arising therefrom in the light of the compromise dated 05.02.2018 (Annexure P-3).

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 compliant case bearing

No.173/2016 dated 10.05.2016 (Annexure P-1) under Sections 415, 417 and 420 IPC, Police Station Division No.4, Jalandhar, and summoning order dated 20.07.2017 (Annexure P-2) on the basis of a compromise dated 05.02.2018 (Annexure P-3) arrived at between the parties.

Notice of motion.

Mr. R.S. Dhillon, Advocate, has filed power of attorney on behalf of respondent No.1-complainant.

Counsel for the parties state that the parties would appear before the trial Court on 16.3.18 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 trial Court on **16.3.18** 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 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 **15.05.2018**.

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

In compliance with the order passed by this Court, the parties appeared before the Judicial Magistrate Ist Class, Jalandhar and got recorded their respective statements with reference to the compromise entered into between them. On the basis of the statements, so recorded, learned Judicial Magistrate Ist Class, Jalandhar has submitted a report dated 03.04.12018, wherein it has been concluded that the compromise, which has been effected between the parties, is genuine and valid and the statements of the parties are bona-fide and are not result of any pressure and coercion etc.

Counsel for the petitioner as also the counsel for the complainant-respondent No. 1 submit that the present petition be allowed in the light of the report of the Judicial Magistrate Ist Class, Jalandhar, referred to above. Counsel for the complainant further states that he has no objection to the prayer made in the present petition in the light of the compromise, which has been entered into between the parties.

Having considered the submissions made by the counsel for the parties as also the factum of compromise, which has been found to be genuine as per the report dated 03.04.2018 of the Judicial Magistrate Ist Class, Jalandhar, the interest of justice would be duly served by allowing

the present petition so that the dispute between the parties is brought to an end and there is no grudge between them.

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. Complaint Case No. 173 of 2016 dated 10.05.2016 (Annexure P-1) under Sections 415/417/420 IPC registered at Police Station Division No. 4 Jalandhar and summoning order dated 20.07.2017 (Annexure P-2) and all consequential proceedings arising therefrom are hereby quashed.

May 15, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No