

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

262

CRM-M No.8108 of 2018
Date of Decision: May 16th, 2018

M/s B.S. Fasteners Pvt. Ltd., Gurgaon

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Barrister Rubal Garg, Advocate
for the petitioner.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

Mr. Abhaysher Singh, Advocate
for Mr. K.D.S. Sidhu, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 28.02.2018, following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.189 dated 19.08.2010 (Annexure P-1), registered under Sections 420, 465, 467, 468 and 471 at Police Station Civil Line, Patiala, District Patiala and all consequential proceedings arising therefrom, on the basis of a compromise dated 17.01.2018 (Annexure P-2).

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 supply complete paper book to the counsel for the State during the course of the day.

Mr. Karandeep Singh Sidhu, Advocate, puts in appearance and filed his vakalatnama on behalf of respondents No.2 and 3, who are the complainants.

Counsel for the petitioner as well as respondents No.2

and 3 state that in the litigation which was going on between the parties, a compromise has been entered into between them on 17.01.2018 (Annexure P-2) and the terms and conditions of the compromise have also by and large been complied with for quashing of the present FIR. They state that the next date of hearing before the trial Court is 15.03.2018, on which date, the parties would appear before the trial Court, Patiala to give their respective statements with regard to the compromise having been entered into between the parties.

In view of the statement made by the counsel for the parties, the parties are directed to appear before the trial Court at Patiala on 15.03.2018 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/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 **16.05.2018**.*

Copy of this order be sent to Illaqa Magistrate/trial Court, Patiala, forthwith for information and compliance.”

In pursuance to the said order, parties appeared before the

Judicial Magistrate Ist Class, Patiala, on 15.03.2018 and got recorded their respective statements.

The Court thereafter has proceeded to submit a report dated 27.03.2018, according to which the compromise entered into between the parties is genuine and valid and has been effected voluntarily, without any pressure, threat or coercion.

In view of the above report of the Judicial Magistrate Ist Class, Patiala, as also the compromise which has been entered into between the parties referred to above, counsel for the petitioner prays that the present petition be allowed.

Counsel for the complainant also supports the prayer of the counsel for the petitioner and states that as the matter has been amicably resolved and the compromise has been entered into, the complainant does not want to pursue the complaint which culminated in the registration of the FIR, any further.

In view the above facts and circumstances and the statements of the counsel for the parties, taken along with the report dated 27.03.2018 of Judicial Magistrate Ist Class, Patiala, this Court is satisfied that the compromise entered into between the parties is genuine and valid and, therefore, it would be in the interest of justice that the present petition is allowed.

In view of the above and keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur***

and others Versus State of Gujarat and another, decided on 04.10.2017, the present petition is allowed and FIR No.189 dated 19.08.2010 registered under Sections 420, 465, 467, 468, 471 read with Section 120-B IPC at Police Station Civil Line, Patiala, District Patiala, and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner only.

May 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No