

250.

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

CRM-M-8577-2018

Date of decision:28.08.2018.

RAJIV KUMAR SAINI

... Petitioner

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashok Giri, Advocate,
for the petitioner.

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

None for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.8 dated 03.02.2018 registered under Section 420 IPC at Police Station Singh Bhagwantpura, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.02.2018 (Annexure P-2).

This Court vide order dated 28.02.2018 had directed the parties to appear before the trial Court/Area Judicial Magistrate 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, Rupnagar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 31.03.2018 to the effect that the parties have effected compromise with free will, without any pressure and coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Vinod, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 26.03.2018. The same is reproduced as under:-

“Stated that FIR No.8 dated 3.2.2018 under Section 420 IPC PS Singh Bhagwantpura was registered against accused Rajiv Kumar on my statement. Rajiv Kumar had not paid the price of diesel bought by him from our petrol pump on 3.2.2018. Now, Rajiv Kumar has compromised the matter with me and the compromise has been reduced into writing (Annexure-A). The compromise has been effected with my free will and consent. Nobody pressurized me to enter into compromise. I do not want to pursue the case. The owner of the petrol pump namely Rattan Lal Singla knows about the compromise. I have no objection if the FIR is quashed and accused is set at liberty.”

Apart from above, a similar statement has been made by Sukhdev Singh i.e. respondent No.3, whereby he has shown no objection to the FIR being quashed.

Learned State counsel has 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.8 dated 03.02.2018 registered under Section 420 IPC at Police Station Singh Bhagwantpura, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 17.02.2018 (Annexure P-2). However, that would be subject to payment of costs of Rs.2,500/- to the Kerala Chief Minister's Distress Relief Fund towards relief to the Kerala flood victims, for which, receipt would be produced in the Registry within 15 days from today.

(HARI PAL VERMA)
JUDGE

28.08.2018
sanjeev

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