

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

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CRM-M No.9164 of 2018
Date of Decision: May 24th, 2018

Harminder Singh and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rakesh Bhatia, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Neeraj Khanna, Advocate
for respondent No.2-complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

When the case came up for hearing before this Court on
06.03.2018, following order was passed:-

*“Prayer in the present petition filed under Section 482
of the Cr.P.C. is for quashing of FIR No.5 dated 03.01.2003,
registered under Sections 420, 467, 468, 471 and 120-B of
IPC, and all consequential proceedings arising therefrom, on
the basis of a compromise which is acknowledged in the
affidavit dated 16.01.2018 (Annexure P-3).*

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

*Mr. Neeraj Khanna, Advocate, puts in appearance and
filed his power of attorney on behalf of respondent No.2-
complainant and states that the compromise as has been
entered into between the parties has also accepts and owns
the affidavit dated 16.01.2018 (Annexure P-3).*

Counsel for the petitioners as also the complainant-respondent No.2 state that the next date of hearing before the trial Court is 19.03.2018, where the case is fixed for prosecution evidence and the parties would appear before the trial Court and give their respective statements with reference to the compromise and the affidavit (Annexure P-3).

In view of the statement made by the counsel for the parties, the parties are directed to appear before the trial Court, Ludhiana on 19.03.2018 for recording of their statements with regard to the above referred compromise/affidavit on the said date or on any other date convenient to the Court.

The trial Court, Ludhiana 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 24.05.2018.

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

In compliance with the said order, parties appeared before the

Judicial Magistrate Ist Class, Ludhiana, on 19.03.2018 and 27.03.2018 and

got recorded their respective statements.

In pursuance to the said statements, Judicial Magistrate Ist Class, Ludhiana, has submitted his report dated 19.04.2018, where it has been concluded that the compromise effected between the parties is genuine and valid which has been entered into without any pressure or coercion etc.

Counsel for the petitioners, in the light of the report of the Judicial Magistrate Ist Class, Ludhiana, prays that the present petition may be allowed by quashing the FIR in question along with all consequential proceedings arising therefrom.

Counsel for respondent No.2-complainant does not object to the said prayer, rather asserts that the compromise which has been entered into between the parties still holds good.

In view the above, 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.5 dated 03.01.2003, registered under Sections 420, 467, 468, 471, 120-B of IPC at Police Station Division No.8, District Ludhiana, and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

May 24th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No