

276.

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

CRM-M-4530-2019

Date of decision:13.05.2019

SANJAY GOKAL

... Petitioner

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Lakhvir Kumar, Advocate, for
Mr. Paramjit Singh Bal, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Ms. Pooja Arora, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of Criminal Complaint No.COMI 37212/2013 dated 26.04.2013 registered under Sections 406, 420, 425, 415, 423, 354, 186 and 120-B of IPC pending before the Court of Additional Chief Judicial Magistrate, Ludhiana and summoning order dated 30.11.2016 (Annexure P-2) whereby petitioner has been summoned under Section 354 IPC, on the basis of compromise dated 04.01.2019 (Annexure P-3).

This Court vide order dated 04.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 Additional Chief Judicial Magistrate, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.03.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any pressure or undue influence.

Respondent No.2-complainant, namely, Ramneet Kaur has already made her statement with regard to compromise before learned Magistrate on 28.02.2019. The same is reproduced as under:-

“Stated that I am complainant in this criminal complaint case and only two accused namely Sanjay Gokal and Charanvir Sohal were summoned for offence punishable under Section 354 IPC, in this case. Now matter has been compromised between me and accused Sanjay Gokal only. Compromise is already submitted with the Hon'ble High Court. I have compromised the matter voluntarily, with my free will, without any pressure from any side. Charanvir Sohal is appearing in this court and no accused is proclaimed offender in this case. I have no objection if proceedings of present complaint are quashed against accused Sanjay Gokal, only. Copy of my Adhar Card is Ex.C1. ”

Learned State counsel as well as learned counsel for respondent No.2 have 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 case.

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 Criminal Complaint No.COMI 37212/2013 dated 26.04.2013 registered under Sections 406, 420, 425, 415, 423, 354, 186 and 120-B of IPC pending before the Court of Additional Chief Judicial Magistrate, Ludhiana and summoning order dated 30.11.2016 (Annexure P-2) whereby petitioner has been summoned under Section 354 IPC, are quashed qua the petitioner on the basis of compromise dated 04.01.2019 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

13.05.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No