

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-33382 of 2015 (O&M)

Date of Decision: 16.01.2020

Inderjit Singh Maggo

...Petitioner (s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Swarn Tiwana, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Ferry Sofat, 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 FIR No.80 dated 22.03.2013 under Sections 341/354, 506 IPC registered at Police Station Mandi Gohindgarh, District Fatehgarh Sahib and subsequent proceedings arising therefrom.

Learned counsel has submitted that though earlier also, the matter was compromised between the parties at different times, but for one reason or the other, the complainant is avoiding to adhere to the terms of such compromises. Now, the parties have finally compromised the matter and accordingly, a compromise deed dated 07.01.2020, which has been

attested by the Notary Public today itself i.e. 16.01.2020, has been entered between the parties. He further submits that though while filing CRM-772-773-2020, the said compromise was attached, however the same may have been detached therefrom, while the applications were scanned by the office. He has produced another copy of the compromise dated 07.01.2020, which is signed by both the parties, including the witnesses namely Balwinder Khatra son of Late Shri Ram Sarup, MC, Ward No.24, Mandi Gobindgarh and Deepak Kumar son of Sh. Om Parkash, who is maternal uncle of the complainant. He has also filed individual affidavits of the petitioner and the complainant, reiterating the fact that the matter has been compromised between the parties without there being any pressure or coercion upon the parties. The compromise deed along with affidavits of the petitioner and respondent no.2 produced in the Court are taken on record.

I have heard learned counsel for the parties.

The parties are also present in person. They have duly been identified by their respective counsel as well as witnesses.

Though the prayer in this petition is for quashing of the FIR on merits, but now, since the matter has been compromised between the parties vide compromise deed dated 07.01.2020, which is supported by the affidavits of the parties, this Court finds that there is no impediment for this Court to quash the present FIR, having regard to the provisions of Sections 482 CrPC. The contents of the affidavit of the complainant dated 16.01.2020, as furnished by the complainant, is reproduced as under:-

“1. That I am permanent resident of abovenoted address.

2. *That I have entered into compromise dated 06.01.2020 with Sh. Inderjit Singh Maggo son of Sh. Gurcharan Singh resident of W.No.18 Mandi Gobindgarh Tehsil Amloh, District Fatehgarh Sahib.*
3. *That the compromise dated 07.01.2020 is arrived at between the deponent and Sh. Inderjit Singh Maggo with regard to CRM-M-33382 of 2015 pending before the Hon'ble Punjab and Haryana High Court by which the quashing of FIR NO.80 dated 22.03.2013 under section 341, 354, 506 IPC, Police Station Mandi Gobindgarh, District Fatehgarh Sahib had been prayed for and same is pending today i.e. 16.01.2020.*
4. *That our compromise dated 07.01.2020 be taken as part and parcel of my statement. The present affidavit be also taken as part and parcel of my statement before this Hon'ble Court.*
5. *That the CRM-M-33382 of 2015 may kindly be quashed in view of the abvoesaid compromise dated 07.01.2020 as well as on the basis of my present Affidavit.*
6. *That compromise as well as the present affidavit has been executed without any pressure, coercion. The deponent is executing the present affidavit with free will."*

Similar averments have been made by the petitioner in his affidavit. But since the petitioner is an accused and the complainant is an aggrieved person, only the contents of the affidavit of the complainant have been reproduced. The compromise dated 07.01.2020 and affidavits of the parties are taken on record.

Learned counsel for respondent no.2 does not dispute the factum of compromise between the parties. Power of attorney filed on behalf of respondent no.2 in Court today is taken on record.

Learned State counsel also does not dispute the factum of compromise so effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.80 dated 22.03.2013 under Sections 341/354, 506 IPC registered at Police Station Mandi Gohindgarh, District Fatehgarh Sahib and subsequent proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise dated 07.01.2020 and affidavits of the parties dated 16.01.2020. However, this will be subject to payment of costs of Rs.20,000/-, which shall be paid by the petitioner in the Lawyers Welfare Fund of Punjab and Haryana High Court Bar Association.

Since the main petition has been allowed, all the pending applications also stand disposed of accordingly.

January 16, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No