

CRM-M-11222-2021

Date of Decision:29.10.2021

Atam Sarup Gupta

.....Petitioner

Vs.

State of Punjab and another

....Respondents

CRM-M-11726-2021

Atam Sarup Gupta

.....Petitioner

Vs.

State of Punjab and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Madan Gupta, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Pankaj Jain, Sr. Advocate with
Mr. Gaurav Mittal, Mr. Divya Puri and
Mr. Sachin Bhardwaj, Advocates,
for the complainant/respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

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On 10.03.2021, the following order had been recorded by this
court:-

“Case heard via video conferencing.

By this petition, the petitioner seeks quashing of FIR
no.0334 dated 14.12.2019, registered at Police Station Civil Lines,
Police Commissionerate Amritsar, for the alleged commission of
offences punishable under Sections 420 and 511 of the IPC, as also
all other subsequent proceedings arising therefrom, on the basis of a
compromise arrived at between the petitioner and respondent no.2.
A copy of the compromise deed has been annexed as Annexure P-2
with the petition.

Notice of motion.

Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepts notice at the asking of the court on behalf of respondent no.1.

Adjourned to 13.05.2021.

In the meanwhile, the petitioner, as also respondent no.2 would appear before the learned trial court/Area Magistrate upto 22.04.2021 to record their statements. That court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also verify whether there are any criminal cases, of like nature or otherwise, registered against the petitioner.”

Pursuant thereto a report has been received from the CJM, Amritsar, dated 25.10.2021, to the effect that the petitioner and respondent no.2 had appeared before that court on 06.10.2021, with respondent no.2, i.e. the complainant in the FIR, having suffered a statement that the matter has indeed been compromised between him and the petitioner in terms of the compromise deed executed between them and that he does not wish to pursue with criminal proceedings any further.

The statement of the petitioner in respect of the compromise reached was also recorded, with the investigating officer in the case also having recorded a statement to the effect that that there was only one accused in the matter, i.e. the petitioner, who has not been declared to be a proclaimed

offender and that the only person affected by the occurrence would be respondent no.2, i.e. the complainant, Munish Arora, with him further having stated that an offence punishable under Section 406 of the IPC was added subsequently in the FIR, with Section 511 deleted vide DDR no.35 dated 11.03.2020.

Mr. Pankaj Jain, learned senior counsel appearing for respondent no.2, points to clause 6 of the compromise deed (Annexure P-2) and submits that the entire amount of Rs.7.31 lakhs as was to be paid by the petitioner to respondent no.2 has been received by him and therefore he has no objection to the FIR in question being quashed.

That being so, with the assessment of the learned CJM, Amritsar, also being to the effect that the compromise arrived at between the parties is without any undue influence or coercion, the petition is allowed, with FIR No.334, dated 14.12.2019, registered at Police Station Civil Lines, Police Commissionerate, Amritsar, for the alleged commission of offences punishable under the provisions of Sections 420 and 511 of the IPC (with Section 406 added and Section 511 deleted later), along with all proceedings emanating therefrom, is hereby quashed.

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Vide this petition the petitioner sought to be admitted to 'anticipatory bail' in the context of the aforesaid FIR.

Obviously, with the said FIR itself having been quashed hereinabove, this petition has been rendered infructuous and is disposed of as such.

(A photocopy of this order be placed on the file of the connected case too.)

October 29, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO