

In the High Court of Punjab and Haryana at Chandigarh

207-2

**CRM-M-39265-2020 (O & M)
Date of Decision: December 23, 2021**

MATHURA DASS

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Ivan Singh Khosa, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Shiv Kumar, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking quashing of FIR No.106 dated 11.08.2019, under Sections 406, 420, 506 IPC, registered at Police Station Division No.8, Jalandhar, District Jalandhar, on the basis of compromise dated 25.02.2020 (Annexure P-2) arrived at between the parties.

On 24.03.2021, a Coordinate Bench of this Court had passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in this petition is for quashing of FIR No.106, dated 11.08.2019 under Sections 406, 420, 506 of Indian Penal Code, registered at Police Station Division No.8, Jalandhar, District Jalandhar (Annexure P-1) along with

all consequential proceedings arising therefrom, on the basis of compromise dated 25.02.2020 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner submits that the FIR was the outcome of the monetary dispute between the parties which has been settled by virtue of a compromise, Annexure P-2. He submits that the petitioner is making the payment to the complainant-respondent No.2 in terms of the said compromise and the payment of last installment is to be made on 05.12.2021. He has referred to para 2 of the affidavit filed by the petitioner to submit that the petitioner has not been declared as a Proclaimed offender.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. Mr. Shiv Kumar Advocate has appeared on behalf of respondent No.2. Counsel representing respondent No.2 has admitted the factum of compromise.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 06.12.2021 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case is pending against the accused.*

Report of Illaqa Magistrate/trial Court be awaited for 23.12.2021.

In the meantime, trial Court shall adjourn the proceedings beyond the date fixed by this Court.”

The report of JMIC, Jalandhar, dated 15.12.2021 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded which indicates that the compromise is genuine and without any coercion or undue influence.

The FIR is outcome of a monetary dispute, which has now been resolved and the matter has been compromised.

In view of the mandate of the Hon’ble Supreme Court in the case of ***Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC***

466, no useful purpose will be served by continuing the criminal proceedings.

Therefore, the petition is allowed and FIR No.106 dated 11.08.2019, under Sections 406, 420, 506 IPC, registered at Police Station Division No.8, Jalandhar, District Jalandhar, and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s).

(ANUPINDER SINGH GREWAL)
JUDGE

December, 23, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No