

227.

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

CRM-M-39282-2020

Date of decision: 02.02.2021

VIKAS @ VIKAS SALECHA

... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Petitioner in person.

HARI PAL VERMA, J. *(Oral)*

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.321 dated 30.05.2020 registered under Sections 406, 420, 467, 468, 471 of IPC at Police Station City Yamuna Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 19.11.2020 (Annexure P-2).

This Court vide order dated 26.11.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded, subject to deposit of Rs.10,000/- with the Bar Association of Punjab and Haryana High Court, Chandigarh 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 Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.12.2020 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Petitioner, who is present in person, through video conferencing, submits that pursuant to the order dated 26.11.2020, he has deposited Rs.10,000/- with the Punjab and Haryana High Court Bar Association, Chandigarh and has produced a copy of receipt through whatsapp, which is taken on record.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Rajnish Bakshi but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 17.12.2020. The same is reproduced as under:-

“That the deponent is complainant in the above-mentioned FIR. The matter has been compromised with the accused Vikas @ Vikas Salecha and the compromise dated 19.11.2020 has been reduced into writing and signed by both the parties with mutual consent. As per the compromise there is no dispute with the accused Vikas@ Vikas Salecha and the complainant had received a sum of Rs.2,10,280/- (two lac ten thousand two hundred eighty only) vide D.D. No.920960 dated 10.11.2020 drawn from City Union Bank Ltd. In favour of the deponent. On the basis of the compromise the petition under Section 482 Cr.P.C. has already been filed for quashing of the FIR by the accused Vikas Vikas Salecha qua him and same is now pending

on 02.02.2021 for notice of motion and awaiting report from the trial court. The matter has been settled amicably, without any pressure, with the free will of the parties, voluntarily and without any threat, pressure or fraud.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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 F.I.R. No.321 dated 30.05.2020 registered under Sections 406, 420, 467, 468, 471 of IPC at Police Station City Yamuna Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 19.11.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.02.2021
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No