

CRM-M No.40578 of 2020

Date of Decision : 07.04.2021

Kapil Kant @ Kapil Kant Shastri

.....Petitioner

Versus

State of Punjab & another

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIAPresent : Mr. Harpreet Singh Jakhal, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

None for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is accused in FIR No.172, dated 07.11.2019 under Sections 419, 420, 468 and 471 of the IPC, 1860 registered at Police Station Sirhali, District Tarn Taran (Annexure P-1), has prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom, on the basis of compromise.

2. With the intervention of respectables and elderly people of the society, the complainant has arrived at settlement with the accused/petitioner vide Panchayati Compromise (Annexure P-2), which is duly signed by him. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Ld. Judicial Magistrate, 1st Class, Tarn Taran, vide report dated 29.01.2021 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

3. Respondent No.2 is not present nor he is represented by his

Counsel. However, Respondent No.2 has made statement on 13.01.2021, before

the Ld. Judicial Magistrate, 1st Class, Tarn Taran, whereby he has admitted the factum of compromise with the accused/petitioner and deposed that the compromise has been effected between him voluntarily and without any undue influence, coercion or pressure.

4. In view of the report of the Ld. Judicial Magistrate, 1st Class, Tarn Taran, and in view of the decision of the Hon'ble Supreme Court in "*Gian Singh Vs. State of Punjab and another*", 2012(4) RCR (Criminal) 543 and "*Narinder Singh and Others Vs. State of Punjab and Another*", (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the Respondent No.2 has himself compromised the dispute with the accused/petitioner.

5. In the circumstances, the present petition is allowed. FIR No.172, dated 07.11.2019 under Sections 419, 420, 468 and 471 of the IPC, 1860 registered at Police Station Sirhali, District Tarn Taran (Annexure P-1), and all other consequential proceedings arising therefrom, are hereby quashed *qua* the present petitioner.

07.04.2021

Jitesh (JTS)

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No