

**121+276 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2023:PHHC:158883
CRM-49144-2023 in/and
CRM-M-39319-2023
Date of Decision: December 12, 2023**

Shalu and others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.K. Chugh, Advocate for the petitioners.
Mr. Parneet Singh Pandher, AAG, Punjab.
Mr. Onkar Singh, Advocate for respondent No.2.

DEEPAK GUPTA, J.(Oral)

CRM-49144-2023

This is an application for seeking amendment in the head note as well as in the prayer clause, so as to insert Sections 408, 467, 468, 471, 477A of IPC, besides Section 66-D of Information Technology Act.

Learned counsel contends that these offences were not mentioned in the FIR. However, while presenting challan under Section 173 Cr.P.C., police has added the aforesaid provisions, which has caused the necessity to amend the head note as well as the prayer clause for seeking quashing of the FIR on the basis of the compromise.

Notice of the application.

Learned State counsel as well as learned counsel for respondent No.2, who are present in the Court, have no objection to allow the application.

Allowed.

Necessary correction be carried out in the head note as well as in the prayer clause by inserting Sections 408, 467, 468, 471, 477A of IPC and Section 66-D of Information Technology Act.

Main Case

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.61 dated 01.03.2023, registered under Sections 406, 420 and 120-B of IPC (Sections 408, 467, 468, 471, 477A of IPC, and Section 66-D of Information Technology Act added later on), at Police Station Tripri Patiala and all subsequent proceedings arising therefrom on the basis of compromise.

This Court vide order dated 11.10.2023 had directed the parties to appear before the Trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send his/her report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.11.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Statement of Respondent No.2-complainant, namely, Antarpal Singh with regard to compromise was recorded before learned Magistrate on 25.10.2023.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served in continuing 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.61 dated 01.03.2023, registered under Sections 406, 420 and 120-B of IPC (Sections 408, 467, 468, 471, 477A of IPC, and Section 66-D of Information Technology Act added later on), at Police Station Tripri Patiala and all subsequent proceedings arising therefrom on the basis of compromise qua petitioner(s), are hereby quashed.

December 12, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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