
(2019) 03 P&H CK 0100

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 51782 Of 2018

Pardeep Singh And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 13-03-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 120B, 420

Citation : (2019) 03 P&H CK 0100

Hon'ble Judges : Daya Chaudhary, J

Bench : Single Bench

Advocate : Kamal Narula, Amit Mehta, D. S. Sandhu, L. S. Sidhu

Final Decision : Allowed

Judgement

Daya Chaudhary, J

Petitioners namely Pardeep Singh, Navjot Singh, Manjit Kaur and Gurwinder Kaur have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.106 dated 24.09.2018 under Sections 420/120-B of the Indian Penal Code, 1860 registered at Police Station - Ferozepur Cantt. Distt. Ferozepur and other consequent proceedings arising from said FIR, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that a compromise has been effected between the petitioners and complainant/respondents No.2 and 3. They have given an affidavit in the shape of compromise which is annexed as Annexure P-2 with the petition. Statements of the parties have been recorded wherein factum of compromise has been affirmed. Learned counsel for complainant/respondents No.2 and 3 has also affirmed the factum of compromise.

Heard learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

While issuing notice of motion on 26.11.2018, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to compromise/settlement and further a direction was issued to submit a report along with copies of the statements of the parties and to inform this Court as to whether any accused has been declared PO, whether the compromise is genuine, voluntary and without any coercion/pressure from either side. In pursuance of said direction, a report has been sent by the Judicial Magistrate Ist Class, Ferozepur along with statements of the parties, wherein factum of compromise has been affirmed. It has been stated in the report that statements of both the parties were recorded separately and the compromise arrived at between the parties is genuine. There was no pressure upon them from either side. Complainant has also specifically stated in his statement with regard to effecting of the compromise. It has also been stated by the complainant that he has no objection in quashing the FIR and other consequent proceedings.

Since compromise has been arrived at between the parties and the complainant is not interested in pursuing the case against the petitioner, no purpose would be served by keeping the proceedings pending as the complainant is not going to support the case of the prosecution. It would be totally a futile exercise and wastage of valuable time of the Court in case the proceedings are kept pending.

By considering the settlement arrived at between the parties and also by taking into consideration their statements and specific stand taken by the complainant/respondents No.2 and 3, the present petition is allowed and FIR No.106 dated 24.09.2018 under Sections 420/120-B IPC registered at Police Station - Ferozepur Cantt. Distt. Ferozepur and other consequent proceedings arising from said FIR are quashed.