

(2018) 11 P&H CK 0041

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous (M) No.37922 of 2017

Raghubir Chand and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 14-11-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 120B, 406, 420, 465, 468, 471

Citation : (2018) 11 P&H CK 0041

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Advocate : Jagjot Singh Lalli, Tanvir Joshi, Gaurav Saini, Ramneek Vasudeva

Final Decision : Allowed

Judgement

Hari Pal Verma, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0115 dated 03.04.2017 under Sections 406, 420, 465, 468, 471, 120-B

IPC, registered at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of

compromise dated 03.10.2017 (Annexure P-2).

This Court vide order dated 09.10.2017 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded 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 1st Class, Dera Bassi and got their statements recorded. On

the basis of the statements so recorded, learned Magistrate has submitted report dated 12.11.2018 to the effect that with the intervention of the

respectables and family members, the parties have compromised the matter with their own free will. The compromise is genuine, voluntary and

without any undue pressure or threat from anyone.

Respondent No.2-Complainant, namely, Rakesh Kumar Kakkar, has made a statement with regard to compromise before learned Magistrate on

16.10.2017. The same is reproduced as under:-

â??Stated that one FIR No.115 dated 03.04.2017 U/S 406, 420, 465, 468, 471 & 120 B IPC P.S. Zirakpur as lodged by me against accused Raghbir

Chand S/o Shri Ved Prakash, Vijay Kumar Maini son of Shri Ved Prakash, Sanjeev Kumar Maini son of Shri Vijay Kumar Maini, residents of House

No.344/1 Dasmesh Nagar, Near Khalsa School, Chhapar Road, Ahmadgarh, District Sangrur. Now, with the intervention of the respectables, I have

voluntarily entered into compromise with the above said accused out of my free will and without any pressure or undue influence, coercion,

inducement, threat or promise from any side and the copy of the same is Ex.CA (original seen and returned). I have no objection if the above said FIR

is quashed by the Hon'ble Punjab and Haryana High Court against the accused persons and both the parties are bound to withdraw all civil as well as

criminal litigation or any application moved by either of the parties against each other before any competent authority.â??

Apart from above, a similar statement has also been made by respondent No.3- Ramesh Aggarwal, whereby he has shown no objection to the present

FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 have not disputed the factum of compromise between the parties.

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 FIR No.0115 dated 03.04.2017 under Sections 406, 420, 465, 468, 471, 120-B IPC, registered at Police Station Zirakpur, District

SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise

dated 03.10.2017 (Annexure P-2), subject to payment of costs of `50,000/- to be paid within 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. The petitioners shall produce receipt with the Registry.