

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19779 of 2014

Date of decision: May 14, 2015

Sanjeev Kumar

.... Petitioner..

Versus

State of Punjab and another

.... Respondents..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.S. Dadwal, Advocate and
Ms. Neha Jain, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Punjab,
for respondent-State.

Mr. Ranjit Sharma, Advocate,
for respondent No.2.

Jaspal Singh, J.

This is a petition under Section 482 of the Code of Criminal Procedure (for brevity, 'Code') preferred by Sanjeev Kumar-petitioner, seeking quashing of FIR No. 170, dated 16.11.2007, under Sections 420 and 408 IPC, registered at Police Station Subhanpur, District Kapurthala (Annexure P-2) as well as all subsequent proceedings including order dated July 21, 2009 passed by Id. Judicial Magistrate Ist Class, Kapurthala (Annexure P-3).

2. Undisputably, above referred FIR was got registered by Tarlochan Singh-complainant against Sanjeev Kumar-petitioner as well as some other persons but during the pendency of petition, petitioner as

well as complainant-respondent No.2, with the intervention of respectables, villagers and relatives, arrived at an amicable settlement and cleared the dues and nothing remains due qua the petitioner. In this regard, receipt (Annexure P-1) has been referred to by learned counsel for the parties. Even otherwise, respondent No.2-complainant has also filed an application under Section 482 of the Code for withdrawal of reply earlier filed by him and has also annexed his sworn affidavit. It would be appropriate to reproduce the contents of affidavit, which read as under:-

- “ (1) that above noted CRM-M-19779 of 2014 is pending in this Hon'ble Court and fixed for 14.05.2015 for arguments.
- (2) that FIR No. 170 dated 16.11.2007 under Sections 420 and 408 IPC was registered in Police Station Subhanpur, District Kapurthala, on the statement of deponent, which is pending in the Court of JMIC, Kapurthala.
- (3) that during the pendency of the case, the parties has settled the dispute with the deponent and his all dues have been cleared by petitioner-Sanjeev Kumar, son of Harbans Singh, resident of Village and Post Office Dangoh, District Una, Himachal Pradesh and answering respondent is satisfied with the compromise effected between them.
- (4) that the answering respondent No.2 vide this affidavit further make it clear no objection if the FIR No. 170, dated 16.11.2007 under Sections 420, 408 IPC, registered at Police Station Subhanpur, District Kapurthala be quashed qua petitioner.”

3. A glance at the aforesaid affidavit clearly transpires that dispute, if any, between the parties to the instant petition has been finally settled and complainant-respondent No.2 in an unequivocal terms has submitted that he has no objection, if, FIR is quashed qua petitioner. Even otherwise, dispute in between the parties is purely of civil nature and quashing of proceedings would be helpful in building-up harmonious relationship between the parties.

4. In the light of what has been discussed above, petition is allowed and FIR No. 170, dated 16.11.2007, under Sections 420 and 408 IPC, registered at Police Station Subhanpur, District Kapurthala as well as all subsequent proceedings including order dated July 21, 2009 (Annexure P-3) are quashed qua petitioner.

May 14, 2015
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(JASPAL SINGH)
JUDGE