

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-34804 of 2015
Date of Decision: 17.12.2015**

Santosh @ Shindo

--Petitioner.

Vs.

State of Punjab and another

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Balbir Singh, Advocate
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Mr. Tarun Preet Kaur, Advocate
for respondent No.2.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of present petition under Section 482 Cr.P.C., seeks quashing of the impugned FIR No. 59 dated 2.6.2015 under Sections 406/420 IPC, registered at Police Station Rahon, District SBS Nagar along with consequential proceedings arising therefrom on the basis of compromise Annexure P-2.

Notice of motion was issued directing the parties to appear before the learned Illaqa Magistrate for getting their statements recorded.

Pursuant to the abovesaid order, report dated 7.11.2015 has been received from the learned Illaqa Magistrate to the effect that the complainant did not come present for getting her statement recorded.

The abovesaid fact has now been clarified by learned counsel for respondent No.1-complainant also, contending that the compromise, as a matter of fact, did not take place in the manner suggested by the petitioner. She further submits that the disputed amount which was to be paid by the petitioner to the complainant was ₹7, 50,000/- but the complainant has been paid only an amount of Rs. 2,75,000/- and thereafter, petitioner backed out from the compromise. This was the reason that complainant did not appear before the learned Illaqa Magistrate for getting her statement recorded.

Faced with the above, learned counsel for the petitioner seeks permission of the Court to withdraw the present petition with liberty to the petitioner, to file fresh petition on the same cause of action, for getting the impugned FIR quashed either on merits or on the basis of an actual compromise arrived at between the parties, but only after making entire payment to the complainant against a proper receipt.

Permission is granted.

Dismissed as withdrawn with liberty, as prayed for.

(RAMESHWAR SINGH MALIK)
JUDGE

17.12.2015
AK Sharma