

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36280-2014 (O&M)

Date of Decision: February 10, 2015

Bal Krishan Garg and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sunil Chadha, Senior Advocate, with
Mr. Kirpal Singh, Advocate,
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

Ms. Isha Goyal, Advocate,
for respondent No. 2.

NARESH KUMAR SANGHI, J. (Oral)

1. The present petition under Section 482, Cr.P.C., has been filed by petitioners, namely, Bal Krishan Garg, Parmod Rani and Shivam Garg, all residents of House No. 7, Ram Bagh, Agar Enclave, Ludhiana, for quashing of FIR No. 127, dated 5.8.2014 (Annexure P-1), under Sections 406 and 420, IPC, registered at Police Station, Division No. 8, Jalandhar, and all the consequential proceedings arising therefrom, on the basis of the compromise dated 7.10.2014 (Annexure P-2).

2. Vide order dated 27.10.2014, the affected parties were directed to appear before learned Chief Judicial Magistrate, Jalandhar, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send copies of the statements and its report in that regard to this Court on or before the date fixed.

The report received from the said Court would reveal that respondent No. 2/informant did appear before learned Chief Judicial Magistrate, Jalandhar, on 11.11.2014, but refused to admit the factum of the compromise. The report further reveals that there was no compromise between the petitioners and respondent No. 2/informant

Today, respondent No. 2/informant, Krishan Partap, alongwith his counsel Ms. Isha Goyal, is present in the Court. He states at the bar that he has received all his dues from the petitioners and he has no objection if the impugned FIR and all the consequential proceedings arising therefrom are quashed. His separate statement has also been recorded in the Court. Respondent No. 2/informant has been identified by his counsel Ms. Isha Goyal.

Learned counsel for the State submits that he has heard the statement of respondent No. 2/informant and has no

objection if the impugned FIR and all the consequential proceedings arising therefrom are quashed qua the petitioners.

Learned senior counsel for the petitioners has also submitted that the present criminal litigation has arisen out of a business dispute. Both the private factions have resolved their disputes and effected a compromise and, as such, the pendency of the FIR and consequential proceedings arising therefrom would be sheer abuse of the process of law. In support of his contentions, learned senior counsel for the petitioners has placed reliance on the ratio of the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543, and a 5-Judge Bench judgment of this Court in the case of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H).

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The present criminal litigation has arisen out of a business dispute. The due amount has been paid to respondent No. 2/informant by the petitioners and in that regard he (respondent No. 2) has also suffered the statement on oath

before this Court. Learned counsel for the parties are also in unison that in view of the compromise effected between the private parties, the present criminal litigation be terminated.

As a sequel to the above discussion and taking into consideration the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh (supra)** and a larger Bench judgment of this Court in the matter of **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 127, dated 5.8.2014 (Annexure P-1), under Sections 406 and 420, IPC, registered at Police Station, Division No. 8, Jalandhar, and all the consequential proceedings arising therefrom, are quashed qua the petitioners, namely, Bal Krishan Garg, Parmod Rani and Shivam Garg, all residents of House No. 7, Ram Bagh, Agar Enclave, Ludhiana.

February 10, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE