

CRM-M-38495-2015 (O&M)

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

**CRM-M-38495-2015 (O&M).
Decided on: November 16, 2015.**

Sarwan Kumar

..... Petitioner(s)

Versus

State of Punjab and another

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.R.K.Trikha, Advocate,
for the petitioners.**

M.M.S. BEDI, J (ORAL).

Petitioner seeks quashing of FIR on the basis of compromise.

So far as the petitioner is concerned, he claims that he is running a Diagnostic Centre and has been arrayed as accused on the allegations that after receiving the entire payment the complainant was told by other accused about Dr.Choudhary that he had to pay only the medical charges which would be about Rs.35,000/- and Dr.Choudhary has been nominated by Canada Embassy and for going to Canada, Dr. Choudhary shall conduct his medical examination and his medical was done at Chaudhary Clinic, opposite Bus Stand, Ludhiana.

Counsel for the petitioner submits that the matter

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has been compromised with the complainant and that no offence is made out against the petitioner.

Without expression of any opinion on merits, I am of the opinion that partial quashing will not be appropriate at this stage. However, this petition is disposed of with the observations that it will be open to the complainant to offer supplementary statement before the Investigating Officer. In case any such supplementary statement is offered the same would be taken on record under Section 163 (2) Cr.P.C. by the Investigating Officer. On the basis of supplementary statement so offered, if the Investigating Agency is of the opinion that the petitioner is not to be chargesheeted, it will be open to the Investigating Officer to file cancellation report against the petitioner.

November 16, 2015.
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(M.M.S. BEDI)
JUDGE