

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41606 of 2014
Date of Decision : 13.03.2015

Pawan KumarPetitioner

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. Bijender Dhankar, Advocate
for the petitioner.

Mr. Y.K. Gupta, AAG, Punjab.

None for respondent no. 2.

R.P. NAGRATH, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 135 dated 25.09.2013 for offences under Sections 420, 465, 468, 471, 472, 473 and 474 of Indian Penal Code (IPC), registered at Police Station Division No. 6, Industrial Area, Ludhiana City, District Ludhiana (Annexure P-1), on the basis compromise dated 29.10.2013 (Annexure P-2).

In deference to the order passed by this Court on 05.12.2014, the trial Court recorded the statements of both the parties on the compromise and reported that the compromise reached between the parties is genuine, voluntary and without any coercion or undue influence or without any pressure. The trial Court has also sent the copies of statements made by the parties. On the previous date when the matter was listed learned counsel for the petitioner was directed to have instructions if there is any dispute between the

complainant and the party at Madras in regard to consignment in question.

Learned State counsel, however, submits on instructions from ASI Rashpal Singh that challan on completion of investigation was presented on 15.03.2014 and charges were framed on 17.05.2014. It is further submitted that the consignee at Madras is not cited as witness in the list of witnesses and therefore, it is submitted that the only aggrieved person is respondeat no. 2-complainant.

No useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No. 135 dated 25.09.2013 for offences under Sections 420, 465, 468, 471, 472, 473 and 474 IPC is quashed on the basis compromise dated 29.10.2013 (Annexure P-2)

Needless to say that the parties shall remain bound by the terms and conditions of the compromise and the statements made by them.

Allowed in the above terms.

March 13, 2015
jk

(R.P. NAGRATH)
JUDGE