

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

**Crl. Misc. No. M-7618 of 2014 (O&M)**  
**Date of Decision: 13.08.2015.**

Gurcharan Singh Namberdar and another .....Petitioners

Vs.

State of Punjab and another .....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. K.S.Sidhu, Advocate  
for the petitioners.

Mr. J.S.Sekhon, AAG, Punjab.

Mr. P.K.Bansal, Advocate  
for respondent No. 2.

.....

**SABINA, J.**

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 29 dated 22.5.2012, under Section 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860, registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 7.8.2012 (Annexure P-2) effected between the parties.

Learned counsel for the petitioners has submitted that in fact, both the parties had registered criminal cases against each other. On 7.8.2012, a compromise was effected between the parties. So far as the case registered at the instance of the petitioners is concerned, cancellation report was prepared

in view of the compromise effected between the parties and the said cancellation report was accepted by the Magistrate vide order dated 26.10.2013 (Annexure P-4). In the present case, challan had already been presented. However, now respondent No. 2 had backed out from the compromise effected between the parties.

Learned counsel for respondent No. 2, on the other hand, has opposed the petition and has submitted that, although, a compromise was effected between the parties on 7.8.2012 but the petitioners had failed to honour the terms of the compromise.

Petitioners had earlier filed Criminal Miscellaneous-M-33271 of 2012 seeking quashing of the FIR on the basis of compromise effected between the parties. The said petition was disposed of by this Court vide order dated 14.1.2013 and it was held as under:-

*“While issuing notice of motion in Crl. Misc.-M No. 26736 of 2012 proceedings before the trial Court were stayed. As a result thereof, the police has not been able to submit a challan. Counsel for the State, however, submits that cancellation report in this case has been prepared on the basis of compromise. Indeed the parties have now entered into compromise and are present in the Court today. The challan in Crl. Misc.-M No. 33271 of 2012, however, has been presented as there was no stay order passed in the said petition. Since the parties have reached compromise and the police has prepared a cancellation report in one of the*

*FIRs, it would be appropriate to refer the case back to the trial Court to take this compromise into consideration and pass an appropriate order in accordance with law. The trial Court will be at liberty to act on this compromise. The cancellation report in one of case has already been prepared.*

*Accordingly, the trial Court would consider the said report and pass an appropriate order in accordance with law. If the petitioners are left with any grievance they would be at liberty to take any action in accordance with law.*

*The petitions are, accordingly, disposed of”*

Now the petitioners have again filed this petition seeking quashing of the FIR in question on the basis of compromise. Since the earlier petition filed by the petitioners was disposed of by this Court seeking the same relief, no ground for interference by this Court is made out.

Dismissed.

**(SABINA)  
JUDGE**

**August 13, 2015**  
**Gurpreet**