

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

CRM No.M-4503 of 2016 (O&M)

Date of decision : 02.06.2016

Gurbaksh Singh & others

... Petitioners

Vs.

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Rahul Sharma, Advocate for

Mr. Pardeep Bajaj, Advocate for the petitioners.

Mr. D.S. Virk, AAG, Punjab.

Mr. G.C. Shahpuri, Advocate
for the complainant/respondent No.2.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.81 dated 09.07.2014, under Sections 420/120-B IPC, registered at police Station Raikot, District Ludhiana.

Complainant/Amarjit Kaur is the real sister of petitioner No.2. Allegations in a nutshell are with regard to money having been entrusted to the petitioners by the complainant to facilitate settling of the daughter of the complainant abroad.

It has been contended that the parties after registration of the FIR have amicably settled the matter.

In this regard a report dated 22.03.2016 of the learned Judicial Magistrate 1st Class, Jagraon has been placed on record and a perusal of the same would reveal that statements of the complainant as also accused/present petitioners have been recorded and it has been opined that a compromise has been entered into between the parties without any coercion or undue pressure.

It may also be noted that the parties had even been referred to the Mediation and Conciliation Centre of this Court. Even the report of the Mediator along with the settlement agreement is on record. As per such settlement, the accused party have agreed to pay a total sum of Rs.16.5 lacs to the complainant/respondent No.2.

Counsel appearing for the complainant would state that the entire amount of Rs.16.5 lacs has since been received. He further submits that he would have no objection to the quashing of the FIR in the light of the settlement.

In the light of such uncontroverted facts, it would be fit case for this Court to exercise power under Section 482 Cr.P.C. and bring to an end the criminal prosecution launched in pursuance to the impugned FIR. Continuation of proceedings in such a situation would be construed to be an abuse of the process of law as also of the Court.

Accordingly, the present petition is allowed. The impugned FIR i.e. FIR No.81 dated 09.07.2014, under Sections 420/120-B IPC, registered at police Station Raikot, District Ludhiana and all proceedings emanating therefrom stand quashed qua the present petitioners.

Petition allowed in the aforesaid terms.

02.06.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE