

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

CRM-M No. 11865 of 2017 (O&M)

Date of Decision: 05.09.2017

Mukul Aggarwal and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Pushpinder Kaushal, Advocate,
 for the petitioners.

 Mr. S.S. Cheema, A.A.G., Punjab,
 for respondent No. 1.

 Mr. Fariad S.Virk, Advocate,
 for respondents No. 2 to 7.

SUDIP AHLUWALIA, J. (ORAL)

CRM No. 28005 of 2017:

Ld. counsel for the petitioners is permitted to place the documents being Annexures P-4 to P-6 on record.

The application stands disposed off.

CRM No. 24382 of 2017:

Ld. counsel for the petitioners is permitted to place the Certificates (Annexure P-3) on record.

The application stands disposed off.

CRM-M No. 11865 of 2017:

In this petition, the petitioners, who are accused in F.I.R. No. 205, dated 10.12.2016, under Sections 406/420/120-B of the Indian Penal Code, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib, (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings pending in the Court of the Judicial Magistrate Ist Class, Fatehgarh Sahib, on the basis of compromise.

[2]. During pendency of petition, the complainant has arrived at a settlement with the accused vide Compromise Deed (Annexure P-2), which is duly signed by him. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Judicial Magistrate Ist Class, Fatehgarh Sahib, vide report dated 11.05.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. It was, however, noted earlier on 09.08.2017 that accused/petitioner No. 5- Sameer Sethi was not a signatory to the Deed of Compromise. In this connection, affidavit of the said petitioner (No. 5), who is a resident of Delhi (Annexure P-4) has been received, which was duly attested by the Notary, in which the said petitioner (No. 5) has also stated categorically that the compromise arrived at between the parties is also binding on him.

[4]. Respondents No. 2 to 7 are represented by their counsel.

[5]. In view of the report of the Judicial Magistrate Ist Class, Fatehgarh Sahib, and in view of the decision of the Hon'ble Supreme Court

in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

[6]. In the circumstances, the present petition is allowed. F.I.R. No. 205, dated 10.12.2016, under Sections 406/420/120-B of the Indian Penal Code, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib, (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

05.09.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No