

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

**CRM-M No.13966 of 2017
Decided on: 28.09.2017**

Saurav Galhotra @ Amit Galhotra

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Parvez Chugh, Advocate
for the petitioner.

Mr. Randeep S. Khaira, AAG, Punjab.

Mr. Gaurav Monga, Advocate for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of FIR No.130 dated 21.09.2016 registered under Sections 452, 324, 427 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Guruharsahai, District Ferozepur (Annexure P2) on the basis of the compromise as well as the order dated 16.02.2017 (Annexure P3) and all other consequential proceedings arising therefrom.

On the last date of hearing i.e. 18.09.2017, the respondent No.1 – State was directed to file a status report relating the aforesaid FIR as the affidavit of the complainant has already been submitted by the Investigating Officer vide order dated 26.04.2017.

Counsel for the petitioner has submitted that on the basis of the compromise arrived at between the parties, a cancellation report was submitted before the trial Court, however, vide order dated 16.02.2017 (Annexure P3), the trial Court has refused to accept the

cancellation report on the ground that it is not stated in the cancellation report that the offences are not made out. The trial Court has, however, recorded the statement of the complainant – Darshan Lal on 16.02.2017 which is attached as Annexure P4.

Counsel for the State, on instructions from HC Major Singh, has not disputed that the parties have entered into a valid compromise and the cancellation report has already been submitted before the trial Court which was not accepted on some technical ground.

Counsel for respondent No.2 has already stated that respondent No.2 has already made the aforesaid statement on 16.02.2017 before the trial Court acknowledging that he is satisfied with the cancellation report and do not want to take any action.

Heard.

In view of the facts and circumstances mentioned above, I am of the view that the trial Court has wrongly declined to accept the cancellation report while passing the impugned order dated 16.02.2017. It has been held by Full Bench of this Court in ***“Kulwinder Singh and others vs State of Punjab”***, 2007 (3) RCR (Criminal) 1052, that where the parties have entered into a compromise and have decided to live in peace and harmony, the Court should acknowledge such compromise and finish the litigation.

Accordingly, the present petition is allowed, the impugned order dated 16.02.2017 (Annexure P3) passed by the trial Court refusing to accept the cancellation report is set-aside and FIR No.130 dated 21.09.2016 registered under Sections 452, 324, 427 read with

Section 34 IPC at Police Station Guruharsahai, District Ferozepur and all consequential proceedings arising therefrom are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

28.09.2017
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No