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CRM-M-16267-2017
DATE OF DECISION: 10.10.2017

SURINDERJIT AND ANOTHER

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vikram Anand, Advocate
for the petitioner(s).

Ms. Seena Mand, DAG, Punjab.

Mr. H.S. Jalal, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking quashing of FIR No.0005 dated 09.04.2017, under Section 409 IPC, registered at Police Station NRI, District Jalandhar (Annexure P-1), on the basis of compromise (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners contends that the allegations against the petitioners in the FIR are that the petitioner No.2 had encashed the Kissan Vikas Patras of the complainant and got the cash deposited in the account of her husband-petitioner No.1. The complainant, who is an NRI, had given power of attorney in favour of the petitioner No.2. Learned counsel further contends that the FIR is an offshoot of a monetary dispute and prima facie the offence under Section 409 of the IPC is not made out. The matter has now been compromised between the parties.

A Coordinate Bench of this Court by the order dated 03.07.2017 had directed the parties to appear before the trial Court to record the statements of the parties with regard to genuineness of the compromise and send a report to this Court. The report of Chief Judicial Magistrate, (NRI Court), Jalandhar, dated 29.08.2017 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded which indicates that the compromise is genuine, without any coercion or undue influence.

The FIR is an offshoot of a monetary dispute between the parties, which has now been resolved and the matter has been compromised.

In view of the mandate of the Hon'ble Supreme Court in the case of ***Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466***, no useful purpose will be served by continuing the criminal proceedings. Therefore, the petition is allowed and FIR No.0005 dated 09.04.2017, under Section 409 IPC, registered at Police Station NRI, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s).

10.10.2017

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No