

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

**Crl. Misc. No.M-28128 of 2013 (O&M)
Date of Decision: January 10, 2017**

Santosh Kumari alias Santosh and another

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arvind Galav, Advocate
for the petitioner (s).

Mr. Ashish Sanghi, D.A.G., Punjab.

Mr. P.L. Singla, Advocate
for respondent No.2.

SURINDER GUPTA, J.

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.191 dated 06.10.2010 (Annexure P-1), registered for offences punishable under Sections 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code (for short 'IPC') at Police Station Phillaur, District Jalandhar along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

Learned counsel for the petitioners has sought permission to withdraw the petition on behalf of petitioner No.2 Gopal Ram @ Pal son of Gulzara as matter could not be settled by him with respondent No.2.

Permission allowed.

Learned counsel for petitioner No.1 and respondent No.2 have submitted that the matter has since been amicably settled and the land which was purchased by petitioner No.1 from brother of respondent No.2 on which he (respondent No.2) is claiming title, has been retransferred in his favour.

Learned State counsel has argued that dispute pertains to cheating of respondent No.2 by his brother Jitender Kumar, who had sold the property which came to respondent No.2 from his father under a Will. Petitioner No.1 was the vendee of that property, as such, allowing permission to compound the offence with complainant will effect the prosecution case against the other accused.

The submission made by learned State counsel has no basis. The land, which was purchased by petitioner No.1, has been transferred to respondent No.2. The compounding of case by respondent No.2 with petitioner No.1 will not effect the merits of prosecution case against other accused. There is no purpose of directing petitioner No.1 to face trial despite compromising the matter with respondent No.2. As such, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom is quashed qua petitioner No.1 only.

January 10, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No