

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

***CRM No.M-35133 of 2016 (O&M)
Date of decision: 09.02.2017***

Sushil Singla @ Sushil Kumar & others

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present:- Mr. J.S. Cooner, Advocate for the petitioners.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. Pankaj Kunda, Advocate for

Mr. Deepak Sabherwal, Advocate for respondent No.2.

....

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.261 dated 31.10.2015 under Sections 420/406/120-B IPC registered at Police Station Kapurthala City on the basis of compromise, which is stated to have been entered into between the parties.

Since quashing was sought on the basis of compromise, this Court on 28.11.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise and a veracity report was called for.

Placed on record is a report dated 02.01.2017 of the learned Chief Judicial Magistrate 1st Class, Kapurthala and a perusal of the same would reveal that the statements of the complainant, Shiv Kumar/respondent No.2 herein as also the accused party i.e. the petitioners herein have been duly recorded and it has been opined that a settlement has been arrived at between the parties without any undue influence, pressure or coercion.

Even Mr. Pankaj Kunda, Advocate representing respondent No.2/complainant concedes to the factum of a settlement between the parties and states that he would have no objection to the quashing of the FIR.

This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh & others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

Adverting back to the facts of the present case, the impugned FIR would reveal that it was essentially a money dispute between the parties and which has since been settled. It would be a fit case for this Court to exercise power under Section 482 Cr.P.C. to bring to an end the criminal prosecution launched on account of registration of the impugned FIR.

For the reasons recorded above, the present petition is accepted. FIR No.261 dated 31.10.2015 under Sections 420/406/120-B IPC registered at Police Station Kapurthala City and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

09.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |