

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

257

CRM-M No.11235 of 2017

Date of Decision: February 12th, 2018

Gamaljit Singh and another

.....Petitioners

Versus

The State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.S. Jaidka, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Naresh K. Kalia, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.136 dated 08.07.2016 registered under Sections 406, 420, 120-B and 506 IPC, at Police Station Shimlapuri, District Ludhiana, on the basis of a compromise dated 22.03.2017 (Annexure P-1).

The case came up for hearing on 03.04.2017, when following order was passed:-

“Notice of motion.

On asking of the Court, Mr. Jasjeet Dhaliwal, Deputy Advocate General, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to him.

Mr. Naresh K. Kalia, Advocate has put in appearance on his own on behalf of respondent No.2 and filed his vakalatnama today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate/concerned Court, Police Station Shimlapuri, District Ludhiana within 15 days

from today to record their statements and the Illaqa Magistrate/concerned Court shall make report as to its satisfaction and submit it back before the next date of hearing. The Magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 12th September, 2017.”

In compliance with the said order, parties appeared before the Judicial Magistrate Ist Class, Ludhiana, on 17.04.2017 and got recorded their statements. On the basis of the said statements, report has been submitted by the Judicial Magistrate Ist Class, Ludhiana, according to which the compromise/agreement dated 22.03.2017 which has been entered into between the parties is without any pressure and is with their free consent. It has further been stated that the complainant is satisfied and has no objection in case the FIR is quashed by this Court. It has further been reported that none of the accused is a proclaimed offender. The Court has given a categoric finding that the compromise arrived at between the parties is valid and genuine.

Keeping in view the fact that the matter was relatable to the financial dispute and the same has been settled between the parties amicably with the complainant being fully satisfied and does not want to pursue the FIR registered at his behest and has no objection to the quashing of the same, the present petition deserves to be allowed keeping in view the fact that the continuation of the proceedings in the FIR would be a futile exercise when the parties have amicably resolved the dispute and have decided to live peacefully.

Keeping in view the facts and circumstances of the present case as also the the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*** as also the judgment of Supreme Court in ***Narinder Singh and others Versus State of Punjab 2014 (2) RCR (Criminal) 482***, the present petition is allowed and FIR No.136 dated 08.07.2016 registered under Sections 406, 420, 120-B and 506 IPC, at Police Station Shimlapuri, District Ludhiana, and all consequential proceedings arising therefrom, are hereby quashed.

February 12th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No