

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

1. CRM-M-13923 of 2018

Rashmi Kant Malhotra

... Petitioner

Vs.

State of Punjab and another

... Respondents

2. CRM-M-12148 of 2018

Rashmi Kant Malhotra

... Petitioner

Vs.

State of Punjab and another

... Respondents

Date of Decision: 24.07.2018

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Ms. Janya Sirohi, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G. Punjab.

Mr. Alankar Naruala, Advocate
for respondent No.2.

P.B. BAJANTHRI J. (Oral)

By this common judgment, both the aforementioned petitions shall be decided together being arising out of same FIR.

2. Petitioners have sought for quashing of FIR No.290 dated 24.11.2005 registered under Section 406 and 420 IPC at Police Station Kharar as well as quashing of proclaimed offender proceedings initiated vide order dated 18.12.2012 on the basis of compromise (Annexure P-2).

3. Present FIR is out-come of dispute between the parties i.e. petitioner and respondent No.2 with regard to sale of mix plant and vehicles attached to the joint firm belonging to them without the consent of respondent No.2 and grabbing of money by the petitioner. Matter has been resolved by the intervention of the respectable person.

4. Parties have entered into a compromise vide Annexure P-2.

This Court by order dated 04.04.2018 directed the parties to appear before the Illaqa Magistrate for recording their statements with regard to veracity of compromise. It has been recorded by the Chief Judicial Magistrate, SAS Nagar Mohali and a report in this regard has been sent to this Court vide letter dated 30.05.2018 from which it is evident that compromise is genuine.

5. In view of the law laid down in Narinder Singh v. State of Punjab; 2014 (6) SCC 466, no useful purpose will be served by continuing the criminal proceedings. Therefore, the present petition is allowed and FIR No.290 dated 24.11.2005 registered under Section 406 and 420 IPC at Police Station Kharar alongwith all consequential proceeding arising out of this FIR i.e. proclaimed offender proceedings initiated vide order dated 18.12.2012 are hereby quashed subject to payment of litigation cost of Rs.5000/- by the petitioner. Cost shall be remitted in the Treasury, State of Punjab, within a period of 2 months from today.

24.07.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**