

CRM-M-11445 of 2017

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

CRM-M-11445 of 2017
Date of Decision: 28.08.2018

Ram Kumar Sharma @ Sonu

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Rahul Bhargava, Advocate, for the petitioner.
Mr. Davinder Bir Singh, DAG, Punjab.
None for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.43 dated 02.08.2015 registered under Sections 406, 420 and 120-B IPC at Police Station Sanaur, District Patiala and all subsequent proceedings arising therefrom, including challan/final report under Section 173 Cr.P.C.

Learned counsel for the petitioner *inter alia* contends that after registration of the case, when the petitioner moved bail application before the trial Court, respondent No.2-complainant Swaran Kaur wife of Gurbachan Singh appeared and made statement dated 07.08.2015 (Annexure P-6) that she has received the entire amount from the petitioner and had no objection in quashing the FIR in question got recorded by her.

Pursuant thereto, petitioner was granted bail on this very ground by the learned Magistrate on the same date. Respondent No.2 thereafter became dishonest and now is adamant to prosecute the petitioner with *mala fide* intention out of sheer greed.

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Having gone through the file, I find substance in the submissions made by learned counsel for the petitioner for the following reasons.

On 07.08.2015 (Annexure P-6) complainant raised no objection before the learned Judicial Magistrate Ist Class to the grant of bail to the petitioner with undertaking to appear before this Court or any other Court of law for quashing FIR in question got registered by her against the petitioner.

She also undertook in her said statement that she or any of her family members would not file any case against the petitioner in future and shall withdraw her complaint, if any, against him. Her compromise with the petitioner was out of her free will and without any fear.

Pursuant thereto, petitioner was granted bail on the same day by learned Judicial Magistrate Ist Class. Therefore, no question arises for forcing the petitioner to face trial any further in FIR got registered by the complainant.

In view of the above, petition is allowed. FIR No.43 dated 02.08.2015 registered under Sections 406, 420 and 120-B IPC at Police Station Sanaur, District Patiala and all subsequent proceedings arising therefrom, including challan/final report under Section 173 Cr.P.C., are quashed.

August 28, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No