

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

Criminal Misc.No.M-13178 of 2017 (O&M)

Date of Decision : 07-12-2018

Mukand Gaba and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Gurinder Singh Hayer, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. A.S.Brar, Advocate for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioners have preferred the instant petition under Section 482 Cr.P.C. for quashing of case FIR No.29 dated 07.02.2009, registered under Sections 420, 465, 468, 471, 120-B IPC at Police Station City Moga, District Moga, judgment of conviction and order of sentence dated 22.12.2015, passed by the learned Addl. Chief Judicial Magistrate, Moga and all the subsequent proceedings arising therefrom on the basis of compromise dated 17.03.2017 (Annexure P-3).

The petitioners were convicted and sentenced vide judgment of conviction and order of sentence dated 22.12.2015, and the said judgment and order has been assailed by filing an appeal. However, during the pendency of the appeal, a compromise has been effected between the parties.

The allegations, in brief, levelled against the petitioners are that they duped a sum of Rs.15,00,000/- from the complainant for sending his

children to America.

This Court, while issuing notice of motion, sent the matter to the learned Addl. Sessions Judge, where the appeal is pending, for recording the statements of the parties regarding compromise.

After recording the statements of parties, the learned appellate court has reported that the compromise effected between the parties is genuine and is without any undue, influence or coercion.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014(4) RCR (Criminal) 206** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C read with Article 226 of the Constitution.

The Hon'ble Division Bench of this Court hold in **Sube Singh and another v. State of Haryana and another, 2013(4) RCR (Criminal) 102** that the High Court is vested with unparalleled power to quash the criminal proceedings at any stage to secure the ends of justice.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225** and of Hon'ble Supreme Court in **Gian Singh v. State of Punjab reported as 2012(4) RCR (Criminal) 543**, instant petition is accepted. Consequently, FIR No.29 dated 07.02.2009, registered under Sections 420, 465, 468, 471, 120-B IPCat Police Station City Moga,

District Moga, judgment of conviction and order of sentence dated 22.12.2015, passed by the learned Addl. Chief Judicial Magistrate, Moga and all the subsequent proceedings arising therefrom qua the petitioners are hereby quashed.

07-12-2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No