

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13256-2017

Date of decision:- 19.02.2018

Balwinder Kumar Sharma

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. N.S. Sodhi, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. R.K. Choudhary, Advocate
for Ms. Harshita, Advocate, for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing of Complaint No.88/2011 dated 02.05.2011 titled 'Harjit Singh Vs. M/s Krish Refineries Ltd. and others', and all subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

2. It has been jointly stated by learned counsel for petitioner Balwinder Kumar Sharma as well as respondent No.2 that the matter has been compromised between the parties.

3. It is necessary to mention here that the present petition qua petitioners No.2 to 4 was dismissed as withdrawn by learned counsel for the petitioners on 05.12.2017.

4. Heard.

5. Both the parties were directed by this Court vide order dated 25.01.2018 to appear before the learned Illaqa Magistrate/trial Court and get their statements recorded and in pursuance thereof, learned Judicial Magistrate 1st Class, Amritsar, recorded the statements of petitioner-Balwinder Kumar Sharma and respondent No.2 and submitted a report dated 08.02.2018. A perusal of the report reveals that the compromise entered into between the parties is genuine, voluntary and without any coercion or undue influence. Even as on today the parties are not disputing the factum of compromise arrived at between them.

6. No objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of complaint as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

7. Inasmuch as the dispute between the parties has been amicably settled and they have already entered into compromise, and the fact that no objection has been raised by the State, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid Complaint No.88/2011 dated 02.05.2011 titled 'Harjit Singh Vs. M/s Krish Refineries Ltd. and others', and all subsequent proceedings arising therefrom, qua petitioner Balwinder Kumar Sharma, are quashed.

8. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

February 19, 2018
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Whether reportable?	Yes
Whether reasoned/speaking?	Yes