

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-16962 of 2018

Date of decision: 09.08.2018

Gurwinder Singh @ Gulwinder Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.S. Dandiwal, Advocate
for the petitioners.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

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

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.63 dated 03.07.2015 (Annexure P-1), registered for offences punishable under Sections 406/380/448/120-B of Indian Penal Code (for short 'IPC') at Police Station Mehna, District Moga, along with all consequential proceedings arising therefrom, on the basis of compromise dated 09.04.2018 (Annexure P-2).

As per case of the prosecution, petitioners had demolished construction on plot of complainant and stolen his expensive material and had also taken possession of plot. The matter was later on amicably settled and petitioner no. 3 agreed to give his 14 *marlas* plot in lieu of 11 *marlas* plot of complainant and also to compensate him for the material taken from his house. However, he neither paid compensation amount nor transferred his 14 *marlas* plot in the name of complainant.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as

Learned counsel for respondent No.2-complainant has submitted that in view of the compromise (Annexure P-2), respondent no. 2-complainant has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed compromise (Annexure P-2).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 02.07.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and free from any duress or inducement.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR no. 63 dated 03.07.2015 (Annexure P-1) registered at Police Station Mehna, District Moga along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

August 09, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No