

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

Crl. Misc. No. M-20192 of 2018 (O&M)

Date of decision: August 14, 2018

Lalit Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhishek Chautala, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

Mr. D.S.Virk, Advocate
for respondent No.2-complainant.

SURINDER GUPTA, J.(Oral)

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 257 dated 01.11.2017 (Annexure P-1), registered for offences punishable under Sections 407, 420 read with Section 120-B of Indian Penal Code (for short 'IPC') at Police Station Dera Bassi, SAS Nagar, Mohali along with all consequential proceedings arising therefrom, on the basis of affidavit of the complainant (Annexure P-5).

As per allegations in the FIR, respondent No. 2 had booked 128 drums of Bitumen to be delivered in his factory at Lalru. The truck reached the spot but driver of the truck demanded the carriage charges in cash which

the complainant could not pay due to demonetization and driver of the truck took back his truck along with consignment which was not delivered to the complainant.

Learned counsel for the petitioner submits that the matter has since been settled vide affidavit of complainant, copy of which has been placed on file as Annexure P-5 .

Learned counsel for respondent No.2-complainant endorses the submission of learned counsel for the petitioner and has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed affidavit (Annexure P-5).

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 13.06.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

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

Dera Bassi, SAS Nagar, Mohali (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioner, is quashed.

August 14, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*