

276 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2409-2018

Date of Decision:27.04.2018

Puneet Tayal

.....Petitioner

Vs.

State of Punjab and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.K.B.S.Mann, Advocate,
for the petitioner.

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab assisted
by ASI Gurjant Singh.

AMOL RATTAN SINGH, J. (Oral)

By this petition, quashing of FIR No.325 dated 20.09.2013, is sought, registered against the petitioner at Police Station Kotwali, District Faridkot, for the alleged commission of offences punishable under Sections 420/465/467/468/471/120 IPC and under the Drug Price Control Order, 1995, on the basis of a compromise arrived at between the petitioner (accused) and respondent no.2, with respondent no.2, being the complainant).

Vide orders of this Court dated 22.01.2018 the parties were directed to appear before the trial Court to get their statements recorded, in terms of the compromise.

Pursuant to the aforesaid order of this Court, the report of the learned JMIC, Faridkot, dated 09.02.2018, has been received, to the effect that the statement of the complainant, Jaspal Singh (respondent no.2 herein), as also of the petitioner, Puneet Tayal, were recorded before that Court in support of the compromise reached between the parties, a copy of the compromise deed being Annexure P-2, with the petition.

The learned CJM, Faridkot, has also stated that as per his assessment the compromise has been arrived at is voluntary, without any pressure, coercion or in undue influence and yet further, no other criminal case has been registered against the petitioner.

It is seen from the FIR that the dispute is actually between the complainant who is not a Drug Inspector or an official but a person who alleged that the petitioner had sold him medicines/drugs at a rate even higher than the retail price shown as the maximum retail price.

Learned State counsel has also taken instructions subsequently that no complaint under the Drug Price Control Order, 1995, has been initiated by any competent official under the Drugs and Cosmetics Act, 1940, or even authorised under the aforesaid order.

That being so, nothing having been shown to this Court that the State had come to any firm conclusion as to the allegations made against the petitioner, the compromise between the parties is accepted.

Therefore, with learned counsel for respondent no.2 also not denying the factum of compromise, keeping in view the nature of offence alleged, the petition is allowed and FIR No.325 dated 20.09.2013, registered against the petitioner at police Station Kotwali, District Faridkot, for the alleged commission of offences punishable under Sections 420/465/467/468/471/120 IPC and under the Drug Price Control Order, 1995, alongwith all consequential proceedings emanating therefrom, is hereby quashed.

April 27, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO