

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

CRM-M-29098-2018 (O&M)

Date of Decision:-28.9.2018

Yashpal Malhotra alias Jaspal Malhotra and another ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanwar Pahul Singh, Advocate for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Ms. Veenus Dhaka, Advocate for respondent No.2

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioners seek quashing of criminal complaint bearing No.321 dated 1.11.2010 registered under Sections 452, 323, 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860 as well as summoning order dated 6.8.2013 and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 13.7.2018, the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get their statements recorded qua the factum of compromise.

It may here be mentioned that the complaint had initially been instituted by Satpal Malhotra, who has since expired and it is his wife in the capacity of his legal heir, who has been impleaded as respondent No.2 in the present petition and whose statement has been recorded qua the factum of compromise.

Report of learned Judicial Magistrate 1st Class, Amritsar has been received to the effect that the statements of both the petitioners/accused Yashpal Malhotra and Sameer Malhotra and also of the wife of the original complainant that is Smt. Surinder Kumari, widow of deceased Satpal Malhotra, have been recorded to the effect that they have compromised the matter amongst themselves. Smt. Surinder Kumari, widow of original complainant namely late Sh. Satpal Malhotra, has specifically stated that she has no objection in case the complaint as well as summoning order is quashed. The learned Chief Judicial Magistrate, Ludhiana has specifically opined that the parties have entered into compromise voluntarily and without there being any pressure, coercion or undue influence.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and criminal complaint bearing No.321 dated 1.11.2010 registered under Sections 452, 323, 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860 as well as summoning order dated 6.8.2013 and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

28.9.2018

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No