

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

CRM-M-29752-2017 (O&M)

Date of Decision:-24.7.2018

Kundan Ishwar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Eklavya Gupta, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

Respondent No.2-complainant in person.

GURVINDER SINGH GILL, J.(Oral)

The petitioners seek quashing of FIR No.277 dated 5.7.2013 registered under Sections 420, 406 and 120-B of Indian Penal Code, 1860 and Section 24 of Immigration Act, 2005 at Police Station Zirakpur, District S.A.S. Nagar and all consequen`tia] proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 1.2.2018, the parties had been directed to appear before the trial Court/Illaq] Magistrate on 19.2.2018 so as to get their statements recorded qua the factum of compromise.

Report of learned Sub Divisional Judicial Magistrate, Dera Bassi has been received, wherein it has been recorded that the statement of

complainant Balvinder Singh has been recorded, who has stated that the FIR had been registered on his statement against the petitioners and that he has compromised the matter and that as per the compromise, the accused have to pay an amount of ₹ 5 lacs on 25.4.2018. The statement was recorded by learned Sub Divisional Judicial Magistrate, Dera Bassi on 19.2.2018. However, it appears that the entire payment was not made in accordance with the aforesaid statement. A perusal of order dated 24.5.2018 shows that a bank draft of an amount of ₹ 2 lacs was handed over to the complainant-Balvinder Singh and the remaining amount of ₹ 3 lacs was to be paid on 5.7.2018.

Today, the learned counsel for the petitioners has handed over a bank draft bearing No.053956 dated 11.7.2018 amounting to ₹ 3 lacs to the complainant-Balvinder Singh, who is present in Court and has been identified by Assistant Sub Inspector Nirmal Kaur, who is also present in Court. A copy of said bank draft has been furnished to this Court as well, which is taken on record.

The complainant-Balvinder Singh, who is present in Court, has stated that his entire grievance stands addressed with the aforesaid payment of balance amount of ₹ 3 lacs and that the FIR in question may be quashed as per his statement recorded before the learned Sub Divisional Judicial Magistrate, Dera Bassi.

In view of the aforesaid position, I find that the parties have amicably resolved their dispute and all the agreed terms have been complied with. Accordingly, in view of 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 FIR No.277 dated 5.7.2013 registered under Sections 420, 406 and 120-B of Indian Penal Code, 1860 and Section 24 of Immigration Act, 2005 at Police Station Zirakpur, District S.A.S. Nagar and all the consequent proceedings arising therefrom are hereby quashed.

24.7.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking	Yes / No
Whether reportable	Yes / No