

Crl. Misc. No.M-34230 of 2017 (O&M)

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

**Crl. Misc. No.M-34230 of 2017 (O&M)
Date of decision : 07.08.2018**

Satpal Sharma and others

.....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sunny K. Singla, Advocate
for the petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Varun Sharma, Advocate,
Special Power of Attorney holder of respondent no.2.

ANITA CHAUDHRY, J.

The instant petition is for quashing of FIR No. 3 dated 12.03.2016 registered under Sections 406, 420, 498-A, 120-B IPC, Police Station NRI, District Mohali and the consequent proceedings arising out of the same, on the basis of written compromise arrived at between the parties.

Report has been received from the trial Court after statements of the parties were recorded, according to which the complainant had stated that all the conditions of the compromise had not been fulfilled.

Counsel for the petitioner contends that the complainant had gone abroad and had given a Special Power of Attorney to Varun Sharma, Advocate who has given an affidavit that all the conditions have now been complied with and they have no objection to the quashing of the FIR.

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Shri Varun Sharma, Advocate (Enrollment No. P/3057/2010) who is attorney has appeared on behalf of respondent no.2 and he states that all the conditions have been complied with. He states that the locker remained to be operated, which was operated later on 30.10.2017 and he has no objection if the FIR is quashed. He also states that the original power of attorney in his favour was produced in the application filed for anticipatory bail.

No useful purpose would be served to keep the FIR pending.

In view of the statements and report of the trial Court and the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, the instant petition is allowed and the aforesaid FIR and all consequent proceedings conducted on the basis thereof are quashed qua the petitioners.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

(ANITA CHAUDHRY)
JUDGE

07.08.2018
sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No