

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3900 of 2018
Date of decision: 31.07.2018

Sandeep Gilhotra and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Dhir, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Parvesh Sachdeva, Advocate
for respondent no. 2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.126 dated 23.12.2017 (Annexure P-1), registered for offences punishable under Sections 384/406/420/120-B of Indian Penal Code (for short 'IPC') at Police Station City Fazilka, District Fazilka along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

Learned counsel for petitioners submits that respondent no. 2 had levelled allegations in the FIR that petitioners, who were partners with him in a factory, sold the scrap without giving his share. They have also not settled the share of complainant in the factory. Now the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2 and under the settlement complainant has been paid his due share.

Learned counsel for respondent No.2-complainant endorses the

submissions of learned counsel for petitioners and submits that respondent no. 2-complainant has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed compromise (Annexure P-2).

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 17.03.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature, genuine and without any coercion or undue 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 allowed and the impugned FIR no. 126 dated 23.12.2017 (Annexure P-1) registered at Police Station City Fazilka, District Fazilka along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

July 31, 2018

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No