

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-40689 of 2017

Date of decision: 02.08.2018

Nikhil Kumar

.. Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Deepanshu Mehta, Advocate
for Mr. Paras Talwar, Advocate
for the petitioner.

Mr. Amitoj S. Dhaliwal, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.44 dated 30.06.2011 (Annexure P-1), registered for offences punishable under Sections 419/465/467/468/471/420/120-B/511 of Indian Penal Code (for short 'IPC') at Police Station Mullanpur Garibdas, Tehsil Kharar, District Mohali, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, the petitioner had fabricated the agreement to sell alleged to have been executed by complainant. It was also recited in the agreement that ₹10 lakhs were paid as earnest money. On investigation it was found that agreement was not executed by complainant and it was a forged document.

Learned counsel for the petitioner submits that the matter has since been settled vide compromise/affidavit, copy of which has been placed on file as Annexure P-2.

Learned State counsel has also not disputed

compromise/affidavit (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 21.11.2017 stating therein that the compromise has been effected between the complainant and the accused which appears to be genuine, voluntary in nature and without any pressure or coercion.

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. 44 dated 30.06.2011 (Annexure P-1) registered at Police Station Mullanpur Garibdas, Tehsil Kharar, District Mohali, along with all consequential proceedings arising therefrom, qua petitioner, is quashed.

August 02, 2018

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**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No