

CRM No. M-41997 of 2017

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

**CRM No. M-41997 of 2017
Date of Decision : 15.01.2018**

Preeti Gautam and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

**Present: Mr. Pritpal Singh Miglani, Advocate
for the petitioners.**

**Mr. Abhaypal Singh Gill,
Assistant Advocate General, Punjab.**

**Mr. Ashok Bhardwaj, Advocate
for respondent No. 2.**

Arvind Singh Sangwan, J.(Oral)

Prayer in this petition is for quashing of FIR No. 210 dated 09.06.2017, under Sections 406, 420, 120-B IPC, registered at Police Station Zirakpur, SAS Nagar, Mohali (Annexure P-1) and all other subsequent proceedings arising therefrom, on the basis of compromise dated 04.10.2017 (Annexure P-2).

Vide order dated 07.11.2017, the parties were directed to appear before the trial Court for recording of their respective statements with regard to compromise and the trial Court was directed to submit a report, if the compromise is genuine, voluntary and without any coercion or undue influence and if any of the accused person is a proclaimed offender or not.

The trial Court has submitted a report dated 20.12.2017 that complainant Gurnam Singh has made a statement that he has compromised the matter with all the accused persons and he has

entered into a compromise, which is voluntarily, out of his own free will and without any inducement or threat. He has further stated that he has no objection if the FIR is quashed against the petitioner and has acknowledged the compromise dated 04.10.2017. Three of the accused persons have already appeared before the trial Court and have recorded their statements. The trial Court has further reported that none of the accused is a proclaimed offender and no P.O. proceedings are pending against them.

Since the matter pertains to a business dispute between the petitioners and respondent No. 2, complainant regarding the non-delivery of certain items, which they have sorted out by way of entering into a valid and legal compromise.

The offences under Sections 420, 406 and 120-B IPC fall in the category, which can be compounded in view of the judgment of the Hon'ble Full Bench in *Kulwinder Singh and others Vs. State of Punjab*, 2007(3) RCR(Criminal) 1052, wherein it is held that High Court has empowered under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution, where the High Court observe that the same was required to prevent the abuse of the process of any court or to otherwise secure the ends of justice.

Since the parties have entered into a valid and legal compromise, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, the present petition is allowed. FIR No. 210 dated 09.06.2017, under Sections 406, 420, 120-B IPC, registered at Police Station Zirakpur, SAS Nagar, Mohali along with all

consequential proceedings arising therefrom, are ordered to be quashed qua the petitioners only subject to payment of costs of ₹15,000/- to be deposited in the District Legal Services Authorities, SAS Nagar, Mohali.

January 15, 2018.
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No