

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

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CRM-M No.46848 of 2017
Date of Decision: April 19th, 2018

Rahul Nagpal

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harmanjit Singh Jugait, Advocate
for the petitioner.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.76 dated 07.03.2016 registered under Sections 420, 467, 468, 120-B IPC, at Police Station City Khanna, District Ludhiana and all consequential proceedings arising therefrom.

On 11.12.2017, when this case came up for hearing, following order was passed:-

Prayer made in this petition is for quashing of FIR and all the consequential proceedings arising therefrom on the basis of the compromise between the parties.

“Notice of motion for 22.02.2018.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 19.01.2018.

The Illaqa Magistrate/Trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender; and*
- (iii) Whether the compromise is genuine, voluntary,*
and without any coercion or undue influence.”

In pursuance to the said order, parties appeared before the Sub Divisional Judicial Magistrate, Khanna, and got recorded their respective statements and on the basis of the said statements, the Sub Divisional Judicial Magistrate, Khanna, has submitted its report, according to which the matter has been compromised with the free and voluntary consent of Avtar Singh-complainant. He does not want to pursue the case against petitioner-Rahul Nagpal.

Counsel for the petitioner has produced an order passed by a coordinate Bench on 08.12.2017 in *CRM-M No.32775 of 2017* titled as *Amit Vij and another Versus State of Punjab and another*, whereas similarly placed persons as the petitioner herein, who is also an employee of Nature Heights Infra Limited, have been granted the benefit of quashing of FIR qua them in the light of the settlement/compromise entered into between the parties.

Having considered the submissions made by the counsel for the petitioner and also keeping in view the compromise which has been entered into between the parties, which is genuine as per the report of the Sub Divisional Judicial Magistrate, Khanna, referred to above, it would be in the interest of justice that the matter which has been amicably resolved, be given a barrier so that there is no further dispute between the parties to the present case. No useful purpose would be served in pursuing the proceedings before the trial Court in the instant case qua the petitioner in the light of the compromise.

In view of the above as also keeping in view the principles laid down by judgment of Supreme Court in *Madan Mohan Abbot Versus*

State of Punjab 2008 (2) RCR (Criminal) 429 and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.76 dated 07.03.2016 registered under Sections 420, 467, 468, 120-B IPC, at Police Station City Khanna, District Ludhiana and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

April 19th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No