

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

245

CRM-M-9596 of 2015 (O&M)

Date of decision: 25.01.2018

Kulwinder Singh and Another

...Petitioners

Vs.

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.K. Walia, Advocate for the petitioners.

Mr. Vikramjeet Singh, Addl. AG, Haryana.

Mr. H.S. Dhindsa, Advocate for respondent No. 2.

MAHABIR SINGH SINDHU, J.(ORAL)

Present petition is filed praying for quashing FIR No.445 dated 10.09.2013, under Sections 406, 420, 421, 417, 427 and 120-B IPC, registered at Police Station Baldev Nagar, District Ambala, on the basis of compromise entered into between the parties.

2. Heard.

3. Both the parties were directed by this Court vide order dated 25.03.2015 to appear before the learned Illaqa Magistrate/trial Court and get their statements recorded. It has been stated jointly by petitioners as well as respondent No. 2 that the matter has been compromised between the parties and entire payment has been made by the petitioner on account of loan, in pursuance of the order dated 20.05.2015 passed by this Court. A report has been received from Judicial Magistrate, Ist Class, Ambala on 09.07.2015 to the effect that compromise entered into between the parties is genuine and without any pressure. Even before this Court, none of the parties, have objection if the FIR in question is quashed. In pursuance thereof,

learned Judicial Magistrate First Class, Ambala, recorded the statements of both the parties and submitted a report dated 09.07.2015. A perusal of the report reveals that the compromise entered between the parties is without any pressure and coercion. Even as on today the parties are not disputing the factum of compromise arrived at between them.

4. Learned State counsel has also acknowledged the same and stated that State has no objection in quashing the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

5. Inasmuch as the dispute between the parties has been amicably settled and they have already entered into compromise, and the fact that no objection has been raised by the State, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid FIR and all consequent proceedings resulting therefore are quashed.

6. Petition is allowed.

January 25, 2018
Poonam (II)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned: *Yes*

Whether reportable: *No*