

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6923 of 2018

Date of decision: 11.09.2018

Amit Sharma

.. Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Ms. Prabha Sharma, Advocae
for respondent no. 2.

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. 88 dated 25.04.2017 (Annexure P-1), registered for offences punishable under Sections 341/384/388 of Indian Penal Code (for short 'IPC') at Police Station City Kharar, Distriect SAS Nagar, along with all consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 06.10.2017 (Annexure P-2).

As per case of the prosecution, petitioner has been asking complainant to pay him ₹40,000/- to ₹50,000/- per month in case he had to continue his business of travel agent. On 14.02.2014, petitioner stopped the vehicle of complainant and took ₹8700/- from him under threat to get him involved in a case of “*Kabootar Bazi*”.

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 counsel for respondent No.2-complainant has submitted that in view of the compromise/affidavit (Annexure P-2), the private respondent (complainant) has no objection if the impugned FIR (Annexure P-1) is quashed.

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 19.04.2018 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 threat, 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. 88 dated 25.04.2017 (Annexure P-1) registered at Police Station City Kharar, District SAS Nagar along with all consequential proceedings arising therefrom, qua petitioner, is quashed.

September 11, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No