

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

CRM-M-7688-2018 (O&M)

Date of Decision:- 20.8.2018

Gulshan Kumar and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.C.Shahpuri, Advocate, for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Ms. Ankita Dadwal, Advocate, for respondents No.2 to 5.

GURVINDER SINGH GILL, J. (Oral)

The present petition has been filed for quashing of FIR No. 143 dated 4.3.2014 under Sections 420, 467, 468, 471, 120-B IPC, Police Station Yamuna Nagar City and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

The FIR was initially lodged at the instance of Sh. Kasturi Lal Malhotra who was none else but the real brother of the petitioners. However, said Sh. Kasturi Lal Malhotra has since expired and the petitioners have arrayed his LRs i.e. his wife, sons and two married daughters as respondents No.2 to 5. The learned counsel for the petitioners has stated that there is no other LR of Sh. Kasturi Lal Malhotra other than respondents No.2 to 5.

Vide order dated 15.3.2018 the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get their statements recorded qua factum of compromise.

Report of learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri has been received to the effect that statements of the petitioners as well as all the legal representatives of complainant-Kasturi Lal Malhotra namely Neelam Malhotra (wife), Naveen Malhotra (son), Sonia Uppal and Savita Maggo (daughters) of Kasturi Lal Malhotra have been recorded to the effect that they have entered into a compromise and that the LR's of complainant have no dispute or grievance against petitioners Gulshan Kumar and Sikandar Lal and have no objection if the FIR is quashed. It has specifically been opined by learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri that the parties have arrived at the compromise voluntarily, without there being any pressure, threat or coercion.

In view of the aforesaid report and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition stands allowed and FIR No. 143 dated 4.3.2014 under Sections 420, 467, 468, 471, 120-B IPC, Police Station Yamuna Nagar City and all the consequent proceedings arising therefrom are hereby quashed.

August 20, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No