

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

CRM-M-34668-2018(O&M)
Date of decision:- 26.03.2019

Rajinder Kaur and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar Bokolia, Advocate for the petitioners.

Ms. Rashmi Attri, AAG, Punjab

Mr. Gourav Goel, Advocate
for respondent No.2-complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek quashing of FIR No. 2 dated 03.04.2018 under Section 420 IPC, Police Station PS NRI, District SAS Nagar (Annexure P-1) and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. The dispute in the present case pertains to possession of a flat owned by the complainant-respondent No.2 Davinder Pal Singh, the possession of which had been taken over by the accused.
3. Pursuant to order dated 13.08.2018, the statements of the petitioners and also of Najar Singh, attorney of the complainant-respondent was recorded on 28.08.2018. In his statement, Najar Singh, attorney of the complainant-respondent No.2 has stated that he has entered into a compromise with the petitioners and has no objection if the FIR is

quashed. He has further stated that the keys of the premises in question shall be handed over to him before the High Court on 19.09.2018. To a similar effect is the statement of Rajinder Kaur and Bhupinder Singh.

4. On 22.01.2019 when the matter was taken up before this Court, it was stated that the complainant- Davinder Pal Singh himself is expected to visit India in the month of February and accordingly, this Court directed that Davinder Pal Singh, complainant may appear before the trial Court so as to get his statement recorded.
5. Report dated 26.02.2019 of learned Judicial Magistrate Ist Class, SAS Nagar, Mohali has been received accompanied by statements of parties. The complainant Davinder Pal Singh made a statement to the effect that he had voluntarily entered into compromise dated 02.08.2018 (Ex.A1). He specifically stated that he has received possession of flat No. 22-A, Shimla Apartments, New SBP-3, Chajju Majra, Mundi Kharar, District Mohali from the accused-petitioners.
6. A perusal of the compromise (Ex.A1) annexed with the report shows that there were several cases pending between the parties, which were agreed to be withdrawn. It is specifically mentioned therein that Davinder Pal Singh, complainant shall withdraw the present FIR and give a statement in favour of Rajinder Kaur and Bhupinder Singh, petitioners.

7. Learned counsel appearing on behalf of the complainant-respondent No.2 has also submitted before this Court that the parties have entered into a compromise and the keys of flat in question have been handed over to him and he has no objection in case the FIR is quashed.
8. The learned Judicial Magistrate Ist Class, SAS Nagar, Mohali, in his report has opined that the compromise is genuine and has been effected voluntarily without there being any undue influence or coercion.
9. In view of the aforesaid compromise 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 is allowed and FIR No. 2 dated 03.04.2018 under Section 420 IPC, Police Station PS NRI, District SAS Nagar (Annexure P-1) and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

26.03.2019
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(GURVINDER SINGH GILL)
JUDGE

Whether reasoned/speaking? Yes / No

Whether reportable? Yes / No