

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

CRM-M-43637-2018

Date of decision:15.05.2019

MAKHAN LAL BANSAL AND ANR

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rahil Mahajan, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Pratula Sethi, Advocate for
Mr. Gorav Kathuria, Advocate
for respondent No.2.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek quashing of FIR No.238 dated 22.06.2018 under Sections 406 and 420 of the Indian Penal Code, Police Station Zirakpur, District SAS Nagar and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Vide order dated 4.10.2018, parties were directed to appear before Illaqa Magistrate/trial Court so as to get their statements recorded on the next date i.e. on 15.1.2019. The learned counsel for the complainant requested for enlargement of time for getting the

statement recorded which was accepted and accordingly the complainant was directed to appear before trial Court on 28.1.2019 and the matter was adjourned thereafter to 19.4.2019. While as per report dated 8.2.2019 and 20.3.2019 of learned Sub-Divisional Judicial Magistrate, Dera Bassi, it has been reported that none of the parties or their counsel appeared for getting their statements recorded, interestingly, there is another report dated 29.1.2019 accompanied by statement of complainant Gaurav Mittal wherein Gaurav Mittal has categorically stated that he has compromised the matter with the accused voluntarily and out of his free and that he has no objection in case the FIR is quashed against accused Makhan Lal Bansal and Nitin Bansal. A copy of a compromise deed is also annexed with the said statement.

3. 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.238 dated 22.06.2018 under Sections 406 and 420 of the Indian Penal Code, Police Station Zirakpur, District SAS Nagar and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

(GURVINDER SINGH GILL)
JUDGE

15.05.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No