

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

**CRM-9248-2020 IN/AND
CRM-M-2779-2020
Decided on : 16.03.2020**

Chander Kanta and others

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Pawan Kumar Sr. Advocate with
Mr. Surya Kumar, Advocate
for the applicant-petitioner(s).

Mr. Mukesh Berry, Advocate
for non-applicant/respondent No.2 (complainant).

MANJARI NEHRU KAUL, J. (Oral)

Instant CRM-9248-2020 has been filed under Section 482 Cr.P.C. seeking preponement of case and for quashing of FIR No. 12, dated 16.01.2020, lodged under Sections 406, 498-A, 506, 389, 120-B of IPC, registered at Police Station City Gurdaspur and the consequential proceedings arising out of the same, on the basis of settlement/agreement dated 05.03.2020 (Annexure P-2) arrived at, between the parties.

Vide order dated 31st January, 2020 of this Court, the parties were directed to appear before the Mediation and Conciliation Centre of this Court to explore the possibility of amicable settlement between the parties. It has been averred in the instant application that the parties have compromised and amicably settled the dispute between them before the Mediation and Conciliation Centre of this Court on 05.03.2020, which stands reduced in to writing as well. To substantiate the aforesaid fact,

photocopy of the settlement/agreement dated 05.03.2020 has been annexed along with the application as Annexure A-2. This fact is not disputed by learned counsel for respondent No.2 (complainant) as well.

On asking of the Court, Ms. Jaspreet Kaur, Asstt. AG, Punjab, accepts notice on behalf of the State and corroborates the aforesaid fact and submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

In terms of the settlement/agreement dated 05.03.2020 (Annexure A-1), a demand draft bearing No. "075714", dated 05.03.2020, in the sum of ₹ 20.00 lakhs, drawn in favour of respondent No.2 (complainant), has been handed over to respondent No.2 (complainant), in the presence of her counsel in the Court today. The learned counsel for respondent No.2 has identified her as well. Photocopy of the said demand draft already stands appended as Annexure A-1 along with the instant petition.

Keeping in view the facts and circumstances of the case and after hearing learned counsel for the applicant-petitioners as well as perusing the averments made in the application, which is supported by an affidavit of applicant-petitioner No.1, the instant application is allowed and the main case is preponed to today itself.

In view of the above and keeping in view the principles laid down by the Apex Court in Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303, and also by the Full Bench of this Court in Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

Needless to say the parties shall remain bound by the terms of
compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

March 16, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*