

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

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(PROCEEDINGS THROUGH V.C.)

CRM-M-19291-2020 (O&M)

DATE OF DECISION: AUGUST 28, 2020

Ruchi Bhalla and others

.....Petitioners

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vaibhav Sehgal, Advocate,
for the petitioners.

Mr. B. S. Sewak, Addl.Advocate General, Punjab,
for the State.

Mr. L. S. Mann, Advocate,
for respondent Nos.2 to 12.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 20.07.2020, when the present case came up for hearing,
following order was passed:-

*“The Court has been convened through video conferencing due
to Covid-19 pandemic.*

*This is a petition for quashing of FIR No.120 dated
16.11.2019 under Sections 420, 465, 467, 468 and 471 of
Indian Penal Code, 1860 registered at P.S. Division No.4,
District Police Commissionerate Ludhiana on the basis of
compromise dated 28.06.2020 (Annexure P-2).*

Notice of motion.

On the asking of the Court, Ms.Rashmi Attri, Assistant Advocate General, Punjab, who is available on conference call, accepts notice on behalf of respondent No.1-State and Mr. L.S.Mann, Advocate appears on behalf of respondents No.2 to 12 and admits the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 28.07.2020 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;

2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

3. the stage of trial/proceedings;

4. if the compromise is genuine, voluntary and out of free will of the parties.

5. Whether any accused is involved in any other criminal case, and to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Report of the Illaqa Magistrate/trial Court be awaited for 28.08.2020.”

On the basis of the above order, parties appeared before the learned Judicial Magistrate Ist class, Ludhiana and have got recorded their respective statements and on the basis of the same, the report has been submitted on 29.07.2020 by the Judicial Magistrate Ist class, Ludhiana, according to which the compromise is said to be voluntary without any coercion, undue influence or pressure of any kind. It has further been stated that except for the present FIR, which has been registered by complainant, Vinod Punaini, against the petitioners, there is no other proceedings pending against the parties.

In the light of the above facts, counsel for the petitioners as well as respondent Nos.2 to 12 contend that the matter having been amicably settled and resolved between the parties, the private respondents do not want to pursue the matter any further against the petitioners and they have no objection to the prayer made in the present petition for quashing of the FIR on the basis of compromise dated 28.06.2020, Annexure P-2.

Keeping in view the fact that the matter has been amicably resolved between the parties and the dispute having been amicably settled and in the light of ratio of judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***', decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the

present petition is allowed. FIR No.120, dated 16.11.2019, registered under Sections 420, 465, 467, 468, 471 IPC at Police Station Division No.4, District Police Commissionerate Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom are hereby quashed qua the present petitioners only.

August 28, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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