

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

Sr. No.226

CRM-M No.19211 of 2021

DATE OF DECISION: 01.09.2021

Harish Kumar @ Pappu @ Hareesh Chander and anotherPetitioners

Versus

State of Punjab and others

.....Respondents

(Heard through Video-Conferencing)

CORAM:- HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Prince Sharma, Advocate
for the petitioners.

Ms. Samina Dhir, D.A.G., Punjab
for respondent No.1-State.

Mr. Sunil Kumar, Advocate
for respondents No.2 and 3.

MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant petition, the petitioners have invoked the jurisdiction of this Court under Section 482 Cr.P.C for seeking the quashing of the FIR bearing No.28 dated 02.03.2020 registered at Police Station Bhikhiwind, District Tarn Taran, under Section 365 IPC as well as all the consequential proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute culminating in the registration of the said FIR.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the petitioners had abducted respondent No.3, the father of complainant-respondent No.2, as they had money transaction qua the chit funds (Committee) with him (respondent No.3).

Vide the order dated 29.06.2021 passed by the Co-ordinate Bench, the private parties had been directed to appear before the trial Court/Illaq Magistrate on 07.07.2021 for recording their statements in respect of the compromise/settlement. In pursuance of this order, Judicial Magistrate Ist Class, Patti, recorded their (parties') statements and has submitted his report (which is already placed on the file) mentioning therein that the parties compromised the matter without any coercion or undue influence and the said compromise is genuine and voluntary and as per the statement of ASI Gurnam Singh, there are only two accused, i.e the present petitioners and one complainant named Rohit Kumar, i.e respondent No.2, in the said FIR and none of the petitioners has been declared proclaimed offender and they are not involved in any other case. The copies of the statements of both the parties, and the above-named ASI, have also been annexed with the said report.

I have heard learned counsel for the petitioners as well as learned State counsel and learned counsel for respondents No.2 and 3, in the instant petition and have also perused the file thoroughly.

The said compromise has been effected to put the dispute between the parties at rest for all the times to come and the same would promote peaceful, harmonious and cordial relations between them. It being so, there are bleak chances of the conviction of the petitioners and in these circumstances, the continuation of the proceedings in the case arising out of the said FIR would be an exercise in futility.

Keeping in view the above-discussed facts and circumstances

as well as the observations as made by the Apex Court in *Gian Singh vs. State of Punjab and another (2012) 4 RCR (Criminal) 543*, the FIR bearing No.28 dated 02.03.2020 registered at Police Station Bhikhiwind, District Tarn Taran, under Section 365 IPC as well as all the consequential proceedings arising therefrom (if any) are hereby quashed.

The petition in hand stands allowed accordingly.

September 01, 2021

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(MEENAKSHI I. MEHTA)

JUDGE

Whether speaking/reasoned:

Yes

Whether reportable:

No