

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

CRM-M-45527-2021 (O&M)

Date of decision: 22.12.2021

Neeraj Kumar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Manoj Kumar Sharma, Advocate, for the petitioners.

Mr. A.S.Dhaliwal, DAG, Punjab.

Mr. Parminder Walia, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.83 dated 28.8.2019 registered under Sections 380, 457 IPC (Section 120-B, 411 IPC added later on) at Police Station Chabbewal, Hoshiarpur District Hoshiarpur on the basis of compromise dated 13.4.2021 (Annexure P-2).

The above stated FIR was registered on the statement of the complainant/respondent No.2-Harbhajan Kaur in which she stated that the petitioners and some other persons committed theft of her household articles on 3.6.2019.

On notice of motion, respondent No.2 appeared in the Court through her counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq
Magistrate was directed to record the statements of the all the concerned

parties with regard to genuineness and validity or otherwise of the aforesaid
PARITOSH KUMAR
2021.12.22 16:25
I attest to the accuracy of
this order

compromise.

In compliance thereof, report from the Court of JMIC, Hoshiarpur along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

Statement of Harbhajan Kaur-respondent No.2 was recorded through Video Conferencing who was identified by her attorney namely Kulwinder Kaur.

I have heard learned counsel for the parties.

Learned counsel for the petitioners and for respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No.83 dated 28.8.2019 registered under Sections 380, 457 IPC (Section 120-B, 411 IPC

Hoshiarpur and all the subsequent proceedings are hereby quashed qua the petitioners.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-2 in letter and spirit.

(**KARAMJIT SINGH**)
JUDGE

December 22, 2021

Paritosh Kumar

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