

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

CRM-M-2459-2022 (O&M)

Date of decision: 5.5.2022

Ram Nath and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Mukesh Kumar Bhatnagar, Advocate, for the petitioners.
Mr. M.S.Nagra, AAG, Punjab.
Mr. J.S.Dadwal, Advocate, for
Mr. Sanjeev Kumar Bawa, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.01 dated 1.1.2018 registered under Sections 406, 420, 506 IPC (Section 120-B IPC added later on) at Police Station Sohana, District SAS Nagar on the basis of compromise dated 15.1.2018 (Annexure P-2).

The above stated FIR was registered on the complaint lodged by respondent No.2-Amit Mahajan with regard to fraud and cheating committed by the petitioners against him.

On notice of motion, respondent No.2 appeared in the Court through his 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

compromise.

In compliance thereof, report from the Court of Judicial Magistrate, 1st Class, SAS Nagar 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.

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.

In view of above, nothing remains to be adjudicated further in the present case. Thus, continuation of the criminal proceedings between the parties would be a futile exercise and sheer wastage of time of the Court and thus, amount to abuse of process of law.

For the reasons aforesated 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.01 dated 1.1.2018 registered under Sections 406, 420, 506 IPC (Section 120-B IPC added later on) at Police Station Sohana, District SAS Nagar and all the subsequent proceedings are hereby quashed qua the petitioners.

(KARAMJIT SINGH)
JUDGE

May 5, 2022

Paritosh Kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No