

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

THROUGH VIDEO CONFERENCING

CRM-M-9163-2020 (O&M)

Date of decision: 7.1.2022

Harwinder Sharma @ Happy and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Ramandeep, Advocate, for the petitioners.

Mr. H.S.Sullar, DAG, Punjab.

Mr. G.S.Bains, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.27 dated 27.1.2020 registered under Sections 420, 452, 324, 506, 148, 149 IPC (Section 326 IPC added later on) at Police Station City Sunam, District Sangrur on the basis of compromise dated 19.2.2020 (Annexure P-2).

The above stated FIR was registered on the statement of the complainant/respondent No.2-Deepak Kumar in which he alleged that petitioner No.1-Harwinder Sharma @ Happy took ₹ 2,37,000/- from him on the pretext of getting sanctioned home loan in favour of the complainant. However, thereafter, petitioner No.1 neither returned the said amount nor arranged any loan for the complainant. The complainant further alleged in the FIR that on 25.1.2020 at about 9:00 p.m., both the petitioners armed with swords accompanied by three other unidentified persons, trespassed into the house of the complainant and caused injuries on his person.

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 all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Sub Divisional Judicial Magistrate, Sunam 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.

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**

in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No.27 dated 27.1.2020 registered under Sections 420, 452, 324, 506, 148, 149 IPC (Section 326 IPC added later on) at Police Station City Sunam, District Sangrur 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

January 7, 2022
Paritosh Kumar

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