

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117) CRM-41670-2021 in/and
CRM-M-37632-2017
Date of Decision : January 10, 2022

Ramesh Kumar and others .. Petitioners

Versus

State of Punjab and another .. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aman Dhir, Advocate, for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Mayank Mathur, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-41670-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-37632-2017, which now stands adjourned to 11.05.2022.

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State and Mr. Mayank Mathur, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant and they have no

objection for the grant of the prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and hearing the main petition i.e CRM-M-37632-2017 is preponed from 11.05.2022 to today.

CRM-M-37632-2017

In the present petition, the prayer of the petitioners is for quashing of FIR No.140 dated 31.12.2013 registered under Section 406 of the Indian Penal Code, 1860 at Police Station Gidderbaha, District Sri Muktsar Sahib and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties, subject to any cost for consuming valuable time of the Courts.

Learned counsel for the petitioners submits that the present petition has been filed as the parties have already compromised their dispute and a letter has already been issued by the Punjab Agro Food Grains Corporation Limited (hereinafter referred as 'Corporation') on 29.11.2021 that as nothing further is to be recovered from the petitioners, the Corporation has no objection in case the FIR against the miller is quashed.

Today, Mr. Mayank Mathur, Advocate, appears on behalf of respondent No.2 and concedes the factum that all the money, which the petitioners firm was required to deposit, has already been deposited with the Corporation and as the claim of the respondent-Corporation has already been satisfied, Corporation does not has any objection in case the present FIR is quashed on the basis of letter dated 29.11.2021, by treating it as a compromise.

Learned counsel for the respondent-State also concedes the factum of the letter dated 29.11.2021 Annexure A-1 attached with the application filed by the petitioners, which has actually been addressed to the learned counsel for the respondent-Corporation.

Keeping in view the above, as the parties have already compromised their dispute and the claim of the Corporation has already been satisfied and a statement has been made by the learned counsel for the respondents that they have no objection in case, the present FIR is quashed, the prayer of the petitioners for quashing of FIR No.140 dated 31.12.2013 registered under Section 406 of the Indian Penal Code, 1860 at Police Station Gidderbaha, District Sri Muktsar Sahib and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.15000/- as cost, to be deposited with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO 151-152, Sector 9- C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch by the petitioners.

January 10, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? : Yes
Whether reportable? : Yes