

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

CRM-M-40906-2020
Date of Decision:-04.05.2022

HARJINDER SINGH @ HARJINDER SINGH DHAMI

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Nisha Rana, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Yadvinder Singh, Advocate
for respondents No.2 & 3.

KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of FIR No.261 dated 16.11.2020 registered under Sections 420/34 IPC at Police Station Model Town, District Hoshiarpur on the basis of compromise dated 25.11.2020 (Annexure P-2) along with other consequential proceedings arising thereto.

The above stated FIR was registered on the basis of the complaint lodged by respondents No.2 & 3 with the police wherein they alleged that petitioner Harjinder Singh and one Baljinder Singh took money from them on the pretext of sending them abroad, but thereafter they failed

to fulfill their promise and also refused to return the money to respondents No.2 and 3.

On notice of motion, respondents No.2 & 3 appeared in the Court through their counsel and pleaded that they have 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 Chief Judicial Magistrate, 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.

I have heard learned counsel for the parties

Learned counsel for the parties 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 aforesaid 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.261 dated 16.11.2020 registered under Sections 420/34 IPC at Police Station Model Town, District Hoshiarpur on the basis of compromise dated 25.11.2020 (Annexure P-2) and all the subsequent proceedings thereof are hereby quashed qua the petitioner.

04.05.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No