

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

CRM-M-52824-2021 (O&M)

Date of decision: 14.2.2022

Nitesh Malhotra

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Amit Kumar Jain, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Khalid, Advocate, for

Mr. Munfaid Khan, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.214 dated 16.11.2016 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station City Moga, District Moga on the basis of compromise dated 10.12.2021 (Annexure P-2).

The above stated FIR was registered on the basis of the complaint made complainant/respondent No.2-Jagtar Singh with the police in which he alleged that on 5.7.2016, he received notice from Income Tax Department to explain deposit of ₹ 6,27,760/- in his bank account by one Rinku Kumar proprietor of Sethi Enterprises, Moga. On an inquiry, it was found that the aforesaid transaction was sham which was manipulated by the petitioner and his accomplice-Ashok Kataria (Proclaimed Offender).

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

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 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 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.214 dated

Police Station City Moga, District Moga and all the subsequent proceedings are hereby quashed qua the petitioner.

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

February 14, 2022
Paritosh Kumar

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