

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

CRM-M-18255-2023

Date of decision: 25.05.2023

Hemant Kumar and another

....Petitioners.

Versus

State of Punjab and another

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Chander Kant Rana, Advocate, for the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

Mr. Rohit Bhardwaj, Advocate, for

Mr. Raj Kumar Rathore, Advocate, for respondent No. 2.

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SANJIV BERRY, J.

This is a petition filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No. 14 dated 13.02.2023, (Annexure P-1) under Sections 406, 420, 120-B IPC and Section 24 of the Emigration Act, registered at Police Station Phase 11, District SAS Nagar, Mohali, and all other subsequent proceedings arising therefrom on the basis of compromise dated 13.03.2023 (Annexure P-2) effected between the parties.

2. With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deed dated 13.03.2023 (Annexure P-2), which is duly signed by them. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Judicial Magistrate Ist Class, SAS

Nagar, Mohali vide report dated 16.05.2023, has apprised this Court that

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the compromise arrived at between the parties is genuine and without any pressure.

3. In view of the aforesaid report of the Judicial Magistrate Ist Class, SAS Nagar, Mohali, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has herself compromised the dispute with the petitioners/ accused persons.

4. In the circumstances, the present petition is allowed and the FIR No. 14 dated 13.02.2023, (Annexure P-1) under Sections 406, 420, 120-B IPC and Section 24 of the Emigration Act, registered at Police Station Phase 11, District SAS Nagar, Mohali, and all consequential proceedings arising therefrom, are hereby quashed, on the basis of compromise qua the present petitioners, however, subject to payment of costs of Rs. 10,000/- to be deposited by the petitioners with the Poor Patients Welfare Fund, PGIMER, Chandigarh.

5. It is made clear that the aforesaid quashing shall be subject to deposit of the cost stated above.

(SANJIV BERRY)
JUDGE

25.05.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |