

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

279

CRM-M-22974-2023

Date of decision: 02.08.2023

Nitin Sharma @ Nitin and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gagandeep Singh Bajwa, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab
for respondent No.1-State.

Mr. Neeraj Sharma, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.290 dated 11.11.2019 under Sections 420, 406 and 380 of the Indian Penal Code, 1860 registered at Police Station Civil Lines Amritsar City and all consequential proceedings arising out of the same, on the basis of compromise 28.04.2023 (Annexure P-2) arrived at, between the parties.

2. Learned counsel for the petitioners submits that the third accused, namely Sagar Sharma, had been declared innocent during investigation.

3. Learned State counsel and learned counsel appearing for respondent No.2 have not disputed the submissions made by the counsel opposite.

4. Vide order dated 08.05.2023 of Coordinate Bench of this Court, the parties were directed to appear before the learned trial

Court/Illaqa Magistrate on 29.05.2023 to get their statements recorded regarding the compromise arrived at, between them.

5. Report has since been received from learned Judicial Magistrate Ist Class, Amritsar, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioners is quashed.

6. The Trial Court has annexed copies of statements of the parties alongwith its report.

7. In view of the report of the learned Judicial Magistrate Ist Class, Amritsar and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, and also by the Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

8. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

02.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No