

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

CRM-M-31498-2023

Date of decision:-07.11.2023

Monish Kumar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.M.K. Bhatnagar, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Mr.Karan Singh, Advocate for
Mr.B.K. Majoka, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.14 dated 17.01.2023, under Sections 420, 120-B IPC and Section 13 of Punjab Travel Professionals Act, 2014, registered at Police Station Civil Line, District Police Commissionerate, Amritsar, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 24.05.2023, Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that the FIR is an outcome of a financial dispute, which has been amicably settled between the parties.

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3. Counsel appearing for the respondent No.2/complainant has admitted the factum of compromise.

4. Heard counsel for the parties.

5. Pursuant to order dated 04.09.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“(i) That as per statement of investigating officer two persons namely Monish Kumar and Meenakshi Sharma are arraigned as accused in the present FIR and have suffered their statements before this Court. They are not declared as proclaimed offenders.

(ii) That as per the FIR and the statement of Investigating officer there is only one complainant namely Ashwani Kumar in the present FIR who has appeared before this Court and has got recorded his statement qua compromise.

(iii) That the matter is still under investigation and final report has not been presented in the Court so far.

(iv) That from the statements of complainant Ashwani Kumar and accused Monish Kumar and Meenakshi Sharma, I am satisfied that compromise between the parties is genuine and valid, and without any coercion or undue influence from any corner.

(v) That as per the statement of Investigating Officer no criminal case is pending against the accused persons.”

6. In view of the report given by the learned Magistrate and judgment of the Supreme Court in ***Gian Singh Versus State of Punjab***

and another, 2012(4) RCR (Criminal) 543 and a Full Bench of this Court in *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

7. Accordingly, the petition is allowed. FIR No.14 dated 17.01.2023, under Sections 420, 120-B IPC and Section 13 of Punjab Travel Professionals Act, 2014, registered at Police Station Civil Line, District Police Commissionerate, Amritsar, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

07.11.2023
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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No