

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

CRM-M-33807-2022 (O&M)

Date of Decision:-**24.01.2023**

AMIT RAINA AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Rajiv Kumar Bhatia, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab
for respondents No.1 and 2.

Mr. Kanwar Inder Singh, Advocate
for respondent No.3.

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KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of FIR No.152 dated 24.7.2013 registered under Sections 406, 420, 120-B IPC read with Section 36 of Punjab Apartment and Property Regulation Act, 1995 at Police Station Mataur District SAS Nagar, Mohali on the basis of compromise dated 6.7.2022 (Annexure P-1) along with other consequential proceedings arising thereto.

The abovesaid FIR was registered on the basis of order passed by this Court and said order was sent to the Superintendent of Police (City) Mohali for conducting an inquiry by Senior Superintendent of Police,

Mohlai, who later on after marking inquiry recommended for registration of FIR against the petitioners.

On notice of motion, respondent No.3 appeared in the Court through his counsel and pleaded that he has 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 all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Judicial Magistrate Ist Class, SAS Nagar, Mohali 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. Further as the matter has been compromised, the continuation of the proceedings would amount to abuse of the process of the Court.

For the reasons aforesated 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.152 dated 24.7.2013 registered under Sections 406, 420, 120-B IPC read with Section 36 of Punjab Apartment and Property Regulation Act, 1995 at Police Station Mataur District SAS Nagar, Mohali on the basis of compromise dated 6.7.2022 (Annexure P-1) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

(**KARAMJIT SINGH**)
JUDGE

24.01.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No