

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

CRM-M-36875-2022

Date of decision: 01.05.2023

KARNAIL SINGH

....Petitioner.

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. M.S. Saini, Advocate for the petitioner.

Ms. Kanika Sachdeva, Assistant Advocate General, Punjab.

Mr. Gurwinder Singh, 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, 1973, for quashing of FIR No. 175 dated 04.09.2003, under Sections 420 and 406 of IPC and Section 24 of Immigration Act registered at Police Station City Phagwara, District Kapurthala, Punjab (Annexure P-1) and all consequential proceedings arising there from on the basis of compromise dated 13.07.2022 (Annexure P-2) executed 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 13.07.2022 (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. Sub Divisional Judicial Magistrate, Phagwara vide report dated 19.10.2022, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

3. Respondent No.2 is represented by his counsel and does not oppose the compromise.

4. In view of the report of the Sub Divisional Judicial Magistrate, Phagwara, 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 complainants has himself compromised the dispute with the petitioners/ accused persons.

5. In the circumstances, the present petition is allowed. FIR No. 175 dated 04.09.2003, under Sections 420 and 406 of IPC and Section 24 of Immigration Act registered at Police Station City Phagwara, District Kapurthala, Punjab (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners, however, subject to cost of Rs.10,000/- to be paid by the petitioner within a period of one month from today. The cost shall be deposited in the following account: -

**Account Name-Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No. 41564846387
Bank Name-SBI High Court Branch.**

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

**(SANJIV BERRY)
JUDGE**

01.05.2023

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