

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

CRM-M No.42425 of 2022
Date of order: 22nd November, 2023

Sunil Kumar @ Sunil Nikhanj

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vineet Sehgal, Advocate for the petitioner.

Mr. Digvijay Nagpal, Asst. Advocate General, Punjab
for the respondent/State.

Mr. Anubhav Singla, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing FIR No.363 dated 22.12.2018 (Annexure P-1) under Sections 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Derabassi, District SAS Nagar (Mohali) along with all consequential proceedings arising therefrom on the basis of compromise dated 11.09.2022 (Annexure P-2) effected between the parties.

2. Vide order dated 15.09.2022 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Sub Divisional Judicial Magistrate, Dera Bassi in pursuance of the direction 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-petitioner is quashed.

4. The trial Court has annexed the statements of the parties in original, alongwith its report.

5. Learned State counsel, on instructions from ASI Nathi Ram, has not disputed that the petitioner is not the prime accused in the case in hand nor even a beneficiary to the transaction which took place on the basis of forged General Power of Attorney. On further instructions, he submits that the only role attributed to the petitioner is that of being a nephew of the main accused and that he was also a part of the conspiracy.

6. In view of the report of the learned Sub Divisional Judicial Magistrate, Dear Bassi 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 v. 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 qua the petitioner, are quashed.

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

(MANJARI NEHRU KAUL)
JUDGE

November 22, 2023
rps

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