

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

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2023:PHHC:136585

CRM-M-43369-2022

Date of decision: October 19th, 2023

Gurbinder Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shekhar Choudhary, Advocate
for the petitioners.

Mr. Mohit Kapoor, Additional Advocate General, Punjab,
for respondent No.1-State.

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

None for respondents No.3 and 4.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.56 dated 26.02.2022 under Sections 420, 406 and 120-B of the Indian Penal Code, 1860, registered at Police Station City Kharar, District Mohali, and all consequential proceedings arising out of the same, on the basis of compromise dated 29.07.2022 (Annexure P-4) arrived at, between the parties.

2. Vide order dated 28.02.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 27.03.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned SDJM, Kharar, 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 she would have no objection if the FIR *qua* the accused-petitioners is quashed.

4. The trial Court has annexed the copies of the statements of the parties along with its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and private respondents are the only aggrieved persons in the FIR in question.

6. In view of the report of the learned SDJM, Kharar, 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.

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

October 19th, 2023

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**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No