

CRM-M-44936-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(282)

CRM-M-44936-2023
Date of Decision:- 30.11.2023

Gaurav Goel

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sachin Jain, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab
for State-respondent No.1.

Mr. Davinder Kumar, 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 seeking quashing of FIR No.278 dated 30.08.2014, registered for offences under Sections 406, 420 and 120-B of the Indian Penal Code, 1860, at Police Station Zirakpur, District SAS Nagar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of the compromise/settlement dated 24.07.2023, Annexure P-2, arrived at between the parties.

2. Upon instructions received from L/ASI, Nirmal Kaur, State counsel submits that charge has not been framed.

3. Counsel representing complainant-respondent No.2 submits that he does not have any objection in case the criminal proceedings are set aside.

4. Heard counsel for the parties.
5. Pursuant to order dated 11.09.2023 passed by this Court, report has been received from the learned Judicial Magistrate, relevant extract of which is as under:-

“1. As per the statements of the parties, Investigating Officer and FIR, there is only two accused persons ie. Gaurav Goel and Bhupesh Goel in present FIR and only one accused namely Gaurav Goel appeared before the Court to make statement as the complainant has compromised the matter only with accused Gaurav Goel. Further, as per the statements of the Investigating Officer, none of the accused is absconding/P.O. in this case.

2. As per the FIR and statement of the Investigating Officer, the name of the complainant is Kanta Kansal and except her there is no other injured/aggrieved person in present FIR. The complainant Kanta Kansal appeared and suffered statement qua compromise with Gaurav Goel.

3. As per the statement of the Investigating Officer, the investigation in present FIR has been completed and report under Section 173 Cr.P.C. has been presented before the Court.

4. As per the statements of the parties, the compromise entered between the parties is genuine, voluntarily, without any coercion or undue influence and out of free will of the parties.

5. As per the statement of the Investigating Officer, no other criminal case is pending against the accused.”

6. Dispute has been amicably resolved amongst the parties with the intervention of the respectables by virtue of compromise, Annexure P-2.

7. In view of the report given by the learned Magistrate and the 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.

8. Accordingly, the petition is allowed. FIR No.278 dated 30.08.2014, registered for offences under Sections 406, 420 and 120-B of the Indian Penal Code, 1860, at Police Station Zirakpur, District SAS Nagar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

30.11.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No