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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50622-2023

Date of decision:-15.12.2023

Amit Sharma alias Amit Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.U.K. Kaushal, Advocate for
Mr.Bharat Puri, Advocate
for the petitioner.

Mr.Harkanwar Jeet Singh, AAG, Punjab.

Mr.Raman Kumar, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0204 dated 15.10.2022, under Sections 406, 420 and 120-B IPC and Section 13 of Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station City Phagwara, District Kapurthala, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 28.08.2023, Annexure P2, arrived at between the parties.

2. Counsel for the petitioner submits that the FIR is an outcome of misunderstanding, which has been removed and the dispute has been amicably settled between the parties by compromise, Annexure

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P2.

3. Counsel for the respondents No.2 and 3 has admitted the factum of compromise.

4. Heard counsel for the parties.

5. Pursuant to order dated 07.10.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“1. Two persons have been arraigned as accused in the present FIR namely Amit Sharma s/o Prem Sagar r/o 143, 02, New Karansar Colony, Shiv Shakti Enclave, Ludhiana and Nancy @ Simran d/o Surjit Lal, r/o Kultham, Behram, District SBS Nagar. Amit Sharma appeared before the Court of undersigned and suffered statement. Accused Nancy @ Simran has been declared innocent by Investigating Officer Sh.Jaspreet Singh, D.S.P., Phagwara during investigation. No accused is absconding/P.O. in this FIR.

2. In the present FIR there are two complainants namely Baljit Singh son of Gurdial Singh Padda, r/o Beas Hospital, Beas, Tehsil Baba Bakala, District Amritsar and Naresh Kumar son of Rakesh Kumar, r/o Mehta Chowk, Tehsil Baba Bakala, District Amritsar. Both these complainants/aggrieved appeared before the Court of undersigned and suffered statement in support of compromise.

3. As per statement of Investigating Officer, the case is still under investigation.

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4. *The compromise effected between Amit Sharma, Baljeet Singh and Naresh Kumar is genuine, voluntarily and out of free will of the parties.*

5. *As per statement of I.O., no other criminal case is pending against the accused in police station City, Phagwara.”*

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

7. Accordingly, the petition is allowed. FIR No.0204 dated 15.10.2022, under Sections 406, 420 and 120-B IPC and Section 13 of Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station City Phagwara, District Kapurthala, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

15.12.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No