

CRM-M-5136-2023

Date of decision:14.02.2024

Jatinder Pal

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S.Moudgill, Advocate
 for the petitioner.

 Mr. I.S.Ladher, DAG, Punjab.

 Mr. Rajesh Kumar Kashyap, Advocate for
 Mr. J.S.Bhinder, Advocate for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No. 386 dated 30.12.2021 registered under Sections 420, 406, 120-B IPC 1860 at Police Station Dera Bassi, District S.A.S. Nagar (Mohali) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise in the form of affidavit dated 15.12.2022 (Annexure P-2) qua the petitioner.

The above stated FIR was registered on the statement of the complainant/respondent No.2-Gurpreet Singh.

On notice of motion, learned counsel for respondents No. 2 appeared in the Court and pleaded that respondents No. 2 has no objection if the FIR in this case is quashed on the basis of the aforesaid affidavit cum compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaqa Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Sub Divisional Judicial Magistrate, Derabassi along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioner(s) and for respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid affidavit cum compromise is genuine and the parties effected the same without any undue influence or coercion.

In view of above, nothing remains to be adjudicated further in the present case. Thus, continuation of the criminal proceedings between the parties would be a futile exercise and sheer wastage of time of the Court and thus, amount to abuse of process of law.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in *Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543* and Five Judges Bench of this Court in *Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, this petition is allowed and FIR No. 386 dated 30.12.2021 (Annexure P-1) and all the subsequent proceedings are hereby quashed qua the petitioner.

KARAMJIT SINGH
(JUDGE)

14.02.2024

Divyanshi

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No