

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

295

2024:PHHC:002661

CRM-M-24609-2023

Date of decision: January 10th, 2024

Abhishek Sharma alias Shanky and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amaninder Singh Sekhon
and Mr. Rahul Bhargava, Advocates
for the petitioners.

Mr. A.P.S. Tung, Deputy Advocate General, Punjab.

Mr. Kanwaljeet Singh Cheema, Advocate
for respondent Nos.2 and 3.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in the instant petition is for quashing of FIR No.205 dated 06.10.2022 under Section 420 of the IPC (Sections 406, 467, 468, 471 and 120-B of the IPC added later on) registered at Police Station City Kotkapura, District Faridkot, along with all consequential proceedings arising therefrom on the basis of compromise dated 24.04.2023 and 04.05.2023 (Annexures P-3 and P-4 respectively).

2. Vide order dated 14.07.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 18.08.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Though report of the trial Court has been received, wherein it stands reflected that the parties had got their respective statements recorded with respect to the compromise stated to have been arrived at between them, however, the trial Court has reported that the petitioners

are involved in a number of other criminal cases.

4. Learned counsel for the petitioners has submitted that no doubt, the petitioners had indeed been involved in other criminal cases, however, it is also a matter of record that FIRs, which had been registered against the petitioners in the other cases had since been quashed by this Court, though in one FIR i.e. FIR No.50 of 2018, petitioner-Abhishek Sharma alias Shanky was facing trial under Section 295 of the IPC.

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

6. In view of the report of the learned Judicial Magistrate Ist Class, Faridkot, 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.

January 10th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No