

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

CRM-M-32426-2023 (O&M)
Date of decision: 16.4.2024

Pawan Sharma alias Pawan Kumar Sharma and another
...Petitioner(s)
Versus

Gaurav Gaba and others
...Respondent(s)

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Ms. Rakhi Sharma, Advocate, for the petitioner(s).
Mr. Vipul Babuta, Advocate, for respondents No.1 to 3.
Mr. Inderjeet Singh Ladher, DAG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of complaint No.COMI-101/2014 under Sections 323, 324, 506, 379, 34, 148, 149, 452 read with Section 120B IPC pending in the Court of Judicial Magistrate, 1st Class, Ludhiana on the basis of compromise.

2. The above stated complaint was registered on the statement of the complainant/respondent No.1-Gaurav Gaba against the petitioners.

3. On notice of motion, respondents No.1 to 3 appeared in the Court through their counsel and pleaded that they have no objection if the complaint in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

4. During the course of preliminary hearing, the trial Court/Illaq 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.

5. In compliance thereof, report from the Court of Judicial

Magistrate, 1st Class, Ludhiana 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.

6. I have heard learned counsel for the parties.
7. Learned counsel for the petitioner(s) and for respondents No.1 to 3 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 compromise is genuine and the parties effected the same without any undue influence or coercion.
8. 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.
9. 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 No.COMI-101/2014 titled Gaurav Gaba and others v. Pawan Sharma and others under Sections 323, 324, 506, 379, 34, 148, 149, 452 read with Section 120B IPC pending in the Court of Judicial Magistrate, 1st Class, Ludhiana and all the subsequent proceedings are hereby quashed qua the petitioners.

(**KARAMJIT SINGH**)
JUDGE

April 16, 2024
Paritosh Kumar