

275 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35385-2023(O&M)
Date of decision: 06.02.2024

Jinesh Jain and others ...Petitioner(s)
Versus
State of Punjab and another ...Respondent(s)

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Arpan Sabharwal, Advocate, for the petitioner(s).

Mr. Jaspal Singh Guru, A.A.G., Punjab.

Mr. Rahul Garg, Advocate,
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of complaint bearing CNR No. PBLD030085102020 and COMI-93-2020 dated 24.01.2023 titled as 'Robit Jain Vs. Jinesh Jain & others' under Sections 323, 325, 341, 506, 148 and 149 IPC pending before the Court of Judicial Magistrate 1st Class, Ludhiana (Annexure P-1) and summoning order dated 24.01.2023 (Annexure P-2) and all the subsequent proceedings thereof on the basis of compromise.

The above stated complainant was lodged by complainant/respondent No.2-Robit Jain.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the aforesaid criminal complaint (Annexure P-1) is quashed on the basis of the 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 all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

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.

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 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 complaint (Annexure P-1) bearing CNR No. PBLD030085102020 and COMI-93-2020 dated 24.01.2023 titled as '**Robit Jain Vs. Jinesh Jain & others**' under Sections 323, 325, 341, 506, 148 and 149 IPC pending before the Court of Judicial Magistrate 1st Class, Ludhiana and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

(KARAMJIT SINGH)
JUDGE

06.02.2024
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No