

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

291

CRM-M-43071-2023 (O&M)

Date of decision: 22.04.2024

Pankaj Kumar and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kapish Singla, Advocate and
Ms. Diksha, Advocate
for the petitioners.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Nikhil Mittal, Advocate for
Mr. Maneet Kaushik, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.105 dated 19.08.2018 under Sections 420, 120-B of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, 1971, registered at Police Station Phase 11, District SAS Nagar and all consequential proceedings arising out of the same, on the basis of compromise dated 25.07.2023 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 20.02.2024 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 20.03.2024 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate Ist Class, SAS Nagar Mohali, in pursuance of the directions

of this Court. As per report received, petitioners Pankaj Kumar and Sandeep Singh got their respective statements recorded, however, it has been submitted that one of the accused namely Sonia was not traceable. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will.

4. Learned counsel appearing for respondent No.2-complainant has reiterated that undoubtedly accused Sonia is untraceable and she has not been arrayed as a party in the present petition, however, he would have no objection if the FIR in question is quashed against her also as she was merely an employee of the present petitioners.

5. Learned State counsel, on instructions, has not disputed that accused Sonia, who is not a party to the present petition, has not been declared a proclaimed offender nor is she involved in any other criminal case.

6. The Trial Court has annexed the statements of the parties in original, alongwith its report.

7. In view of the report of the learned Judicial Magistrate Ist Class, SAS Nagar Mohali 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 qua all the

accused.

8. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

22.04.2024
Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No