

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-55575-2023

Date of decision: 08.01.2024

Rajdeep Sharma and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajat Gautam, Advocate
for the petitioners.

Mr. A.P.S. Tung, DAG, Punjab.

Mr. Chetan Sharma, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.0213 dated 21.12.2022 under Sections 406, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 registered at Police Station City Samana, District Patiala, and all consequential proceedings arising out of the same, on the basis of compromise dated 04.02.2023 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 06.11.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 06.12.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Sub Divisional Judicial Magistrate, Samana, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. 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 and the complainant has also made statement to the effect that she would have no objection if the FIR *qua* the accused-petitioners is quashed. As per the report received, there were as many as five four FIRs registered against petitioner No.1, however, in three of those cases, the FIR has been quashed and in one case a cancellation report has been presented.

4. The Trial Court has annexed copies of statements of the parties alongwith its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

6. In view of the report of the learned Sub Divisional Judicial Magistrate, Samana 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 petitioners.

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

08.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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