

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-1087 of 2014

Date of decision: July 02, 2015

Pawan Kumar @ Chunni Lal and another

.. Petitioners

Vs.

State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Gurmeet Singh, Advocate
for the petitioners.
Mr. Baljinder Singh Virk, DAG, Haryana.
Mr. Sanjeev Sharma, Advocate
for respondent No.2.

Surinder Gupta, J

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of the FIR No.02 dated 5.1.2009 (Annexure P-1), registered for offence punishable under Sections 420/467/471/417/120-B/506 IPC at Police Station Kalka, District Panchkula, on the basis of the compromise (Annexure P-2).

Learned counsel for petitioner submits that as per prosecution case, Pawan Kumar petitioner entered into an agreement to sell a plot to complainant which he had earlier sold to one Vishal son of Jai Bhagwan resident of Pinjore vide sale deed dated 2.5.2007. He received a sum of ₹4,00,000/- from the complainant by concealing the aforesaid facts and executed agreement to sell in his favour but the sale deed was not executed.

Upon notice, Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana has put in appearance on behalf of respondent No.1-State and Mr. Sanjeev Sharma, Advocate has put in appearance on behalf of respondent No.2-complainant.

I have heard learned counsel for the parties and perused the case file.

Vide order dated 08.07.2014, the parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 2.8.2014 stating therein that the compromise

has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned counsel for the respondent No.2-complainant has submitted that in view of the compromise (Annexure P/2), the private respondent (complainant) has no objection if the impugned FIR (Annexure P/1) is quashed. It is submitted that earnest money with damages has been returned to the complainant. Learned State counsel has also not disputed the compromise (Annexure P/2).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence under Section 467/471 IPC are not compoundable. In case ***Kulwinder Singh vs. State of Punjab, 2007 (3) RCR (Crl.) 1052***, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

In the instant case, the compromise has been effected with the intervention of the respectables and now the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom is quashed.

July 02, 2015
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(Surinder Gupta)
Judge