

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11928-2015
Date of Decision: August 28, 2015

M/s Big Jo's Infra Estate Limited and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. K.D.S. Hooda, Advocate,
for the petitioners.

Mr. Pawan Gaur, DAG, Haryana,
for respondent No. 1.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by four petitioners, namely, M/s Big Jo's Infra Estate Limited, Ravinder Thakur, Sanjiv Jain and Sameer Jain, for quashing of FIR No. 426 (Annexure P-1), dated 18.10.2012, for the offences punishable under Sections 406, 420 and 506 read with Section 34, IPC, registered at Police Station, Ganaur, District Sonapat, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 21.4.2015, the affected parties were directed to appear before the learned Trial Court/Area Judicial Magistrate for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a report with regard to veracity of the compromise to this Court on or before the adjourned date.

In compliance thereof, the petitioners as well as respondent No. 2/informant, Maha Singh, did appear before learned Sub-Divisional Judicial Magistrate, Ganaur, on 6.5.2015 and got recorded their respective statements with regard to the compromise.

The report alongwith statements of the parties in original, has been received. The respective parties have admitted the factum of execution of the compromise (Annexure P-2). Respondent No. 2/informant stated on oath before learned Court below that he, with his own free will, had effected a compromise with the accused persons.

Learned counsel for the petitioners submits that respondent No. 2/informant had agreed to purchase few plots from the petitioners, but that deal could not mature on account of some technical reasons, therefore, he reported the matter to the police on the basis of which the impugned FIR was registered. He further submits that due to intervention of the respectable and elderly

people of the society, the matter has amicably been resolved and both the parties have effected the compromise (Annexure P-2). He further submits that in view of the compromise further investigation of the case would be sheer abuse of the process of law.

Learned counsel for the State on instructions from ASI Suresh Chander of Police Station, Ganaur, District Sonapat, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise (Annexure P-2).

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant has genuinely effected a compromise with the petitioners and he has no objection if the impugned FIR and consequential proceedings are quashed.

In the matter of **Gian Singh v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543 (SC)**, and the judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR**

(Criminal) 1052, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **Gian Singh (supra)** and the judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 426 (Annexure P-1), dated 18.10.2012, for the offences punishable under Sections 406, 420 and 506 read with Section 34, IPC, registered at Police Station, Ganaur, District Sonapat, and all the consequential proceedings arising therefrom are hereby quashed.

August 28, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE