

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12744 of 2014

Date of decision: August 04, 2015.

Gurshinder Singh alias Sukhwinder Singh

... **Petitioner**

v.

State of Punjab & another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri Amardeep Singh Gill, Advocate, for the petitioner.
Ms. H.K. Athwal, Deputy Advocate General, Punjab
for respondent No.1.
Shri F.S. Virk, Advocate for respondent No.2.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No. 36 dated 26.3.2008, registered under Section 420 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Ram Dass, District Amritsar (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 20.3.2014 (Annexure P2).

2. Vide order dated 10.2.2015, a Coordinate Bench of this Court has directed the parties to get their statements recorded before the trial court. The learned trial court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Judicial Magistrate 1st Class, Ajnala through the learned District & Sessions Judge, Amritsar along with the copies of the statements of the parties. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

“... Lal Singh s/o Alla Singh recorded his statement separately to the effect that on his instance FIR has been registered against Gurshinder Singh @ Sukhwinder Singh s/o Baldev Singh. Now the matter is compromised between complainant and accused party and said compromise is out of free will and without any threat and fear and pressure. ...

.... separate statement of accused Gurshinder Singh @ Sukhwinder Singh s/o Baldev Singh recorded whereby he has stated that he has entered into a compromise with the complainant Lal Singh out of his free will.”

4. Learned counsel for the petitioner contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. As per the prosecution allegations, the petitioner in concert with his other four co-accused, who have since been acquitted by the trial court of the charge, is alleged to have cheated the complainant of a sum of Rs.7.00 lacs on the pretext of sending his son to Italy. Neither the son of the complainant was sent abroad nor the money was returned to him thereby prompting him to have recourse to the instant FIR.

7. From the statements of the complainant as well as of the petitioner recorded by the learned Judicial Magistrate and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 36 dated 26.3.2008, registered under Section 420 IPC at Police Station Ram

Dass, District Amritsar (Annexure P-1) and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

August 04, 2015.
kadyan

[Darshan Singh]
Judge