

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No.M-15083 of 2015

Date of Decision: December 10, 2015

Varinder Pal Singh Walia

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.R.K.Singla , Advocate,
for the petitioner.

Mr. P.S.Paul, DAG, Punjab,
for respondent No. 1.

None for respondent No.2.

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 the petitioner for quashing of FIR No.154, dated 14.07.2014 (Annexure P-1), for the offences punishable under Sections 120-B, 380, 420, 448 read with Section 511, 467, 468 and 471, IPC, registered at Police Station, Division No.5, Civil Lines,

Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 17.08.2015, the affected parties were directed to appear before the learned trial Court, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard alongwith copies of the statements to this Court.

In compliance thereof, the petitioner as well as Paramjeet Kaur, Special power of attorney to Kulwant Kaur, did appear before learned trial Court and got recorded their respective statements with regard to the compromise.

Paramjeet Kaur, Special power of attorney holder of respondent No. 2/informant/aggrieved person, Kulwant Kaur, suffered the following statement:-

“Stated that I am special power of attorney holder of complainant Kulwant Kaur. I have brought the original Special Power of Attorney with me today in the court and the same is Ex.CA. The complainant has got the matter compromised with accused Varinderpal Singh

Walia and compromise deed in this regard was executed between Kulwant Kaur and Varinderpal Singh Walia on 15.04.2015 which has already been placed before the Hon'ble Punjab and Haryana High Court at Chandigarh in CRM No.15083 of 2015. The said compromise so arrived at between the parties is genuine and without any pressure or coercion. As per the compromise, so arrived at between the parties, complainant has no objection if the FIR number 154, dated 14.07.2014 u/s 448 , 511, 380, 120-B read with Section 420, 467, 468, 471, IPC, lodged at Police Station, Division No.5, Civil Lines, Ludhiana, against the accused be quashed and the accused be acquitted.”

The petitioner also suffered the statement admitting the factum of the compromise. The operative part of the report received from learned Court below is as under:-

“In view of statements of the complainants and accused, it is apparent that the matter has been compromised between the parties and the complainant has no objection in quashing the impugned FIR. It is also ensured by the Court that special power of attorney duly embossed by competent authority. In light of their statements, compromise between the parties is result of

free volition of the parties and without any inducement, threat or pressure.”

Learned counsel contends that after receipt of the report from the Forensic Science Laboratory, Mohali, better sense has prevailed and both the private parties have resolved their dispute and effected a compromise. He further submits that in that regard, an application for deciding the present petition on the basis of compromise was presented along with compromise deed (Annexure P-4). Since the informant/aggrieved person, Kulwant Kaur w/o Kanwarjit Singh, had to go to America, therefore, she appointed Paramjeet Kaur as her power of attorney holder to suffer statement admitting the factum of compromise. In support of his contention, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), and 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.

Learned counsel for the State after going through the

statements and the report received from learned Court below, and after taking instructions from HC Bhupinder Singh, Police Station, Division No.5, Civil Lines, Ludhiana, submits that during pendency of the present petition, better sense has prevailed and both the private factions have resolved their dispute and effected a compromise and as such, he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that the allegations against the petitioner was that he forged an agreement to sell in the name of Kanwarjit Singh, i.e. husband of Kulwant Kaur (respondent No.2). During pendency of the present criminal litigation, better sense has prevailed and Kulwant Kaur has sorted out her dispute and effected a compromise (Annexure P-4). Under the direction of this Court, the special Power of Attorney of the informant/complainant as well as the petitioner suffered their respective statements before the Court below.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No.154, dated 14.07.2014 (Annexure P-1), for the offences punishable under Sections 120-B, 380, 420, 448 read with Section 511, 467, 468 and 471, IPC, registered at Police Station, Division No.5, Civil Lines, Ludhiana, and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 10, 2015
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