

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

CRM-M No.16196 of 2015

Date of decision: July 22, 2015.

Manohar Lal and others

... **Petitioners**

v.

State of Punjab & others

... **Respondents**

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

Present: Shri Manoj Pundir, Advocate, for the petitioners.
Shri Jashanpreet Singh, Assistant Advocate General, Punjab
for respondent No.1.
Shri Vinay Puri, Advocate for respondent No.4.

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. 64 dated 19.4.2014, registered under Sections 406, 420, 120-B IPC of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Sadar Jalandhar, District Jalandhar (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 23.4.2015 (Annexure P2).

2. Vide order dated 18.5.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate/trial court. The learned Judicial Magistrate 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 Additional Chief Judicial Magistrate, Jalandhar through the learned District & Sessions Judge, Jalandhar along with the copies of the statements of the parties. The operative part of the report of the learned Additional Chief Judicial Magistrate is reproduced as under:

“Complainant Davinder Kumar made statement recorded separately that he has entered into compromise with the accused and testified that copy of compromise is mark A, on which he identified his signatures. He further deposed that said compromise was executed without any coercion or undue influence and he has no objection if the proceedings of the FIR in question are quashed.

Accused/petitioners have also made statements that the matter of present FIR has been compromised with the complainant without any coercion and pressure.

To ascertain the fact as regards number of accused arrayed as accused in the FIR and whether any accused is proclaimed offender, statement of SI Ravinder Kumar, No.665, Additional SHO, PS Sadar, Jalandhar has been recorded, who stated that there are three accused namely Manohar Lal, Naranjan Dass and Balvir Singh in the case FIR No.64 dated 19.04.2014 and none of them has been declared as proclaimed offender.

After going through the statements given by complainant/respondent No.4, and accused/petitioners and that

of SI Ravinder Kumar, this court is of the view that a genuine compromise has been effected between the parties and there was no undue influence or coercion from any side and there are three accused namely Maohar Lal, Naranjan Dass and Balvir Singh in the present case FIR and none of them has been declared as proclaimed offender.”

4. Learned counsel for the petitioners 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.4 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 accused-petitioners are alleged to have duped the complainant of Rs.10.00 lacs on the pretext of sending him abroad, i.e., Canada but neither the complainant was sent abroad nor the amount was being refunded to him on his demand.

7. From the statements of the complainant as well as of the petitioners 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. 64 dated 19.4.2014, registered under Sections 406, 420, 120-B IPC at Police Station Sadar Jalandhar, District Jalandhar (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.

July 22, 2015.
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[Darshan Singh]
Judge