

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No.M-17111 of 2014 (O&M)

Date of decision: 23.07.2015

Gaurav Bhandari & another

... Petitioners

Versus

State of Punjab & another

... Respondents

2.CRM No.M-9788 of 2015 (O&M)

Amandeep Singh

... Petitioner

Versus

State of Punjab & another

... REspondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. R.P. Dhir, Advocate and
Mr. Amit Dhawan, Advocate for the petitioner(s).

Mr. Mikhail Kad, AAG, Punjab.

Mr. R.D. Rattewal, Advocate
for the complainant/Pargat Singh/respondent No.2.

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TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of ***CRM No.M-17111 of 2014 titled as Gaurav Bhandari & another v. State of Punjab & another and CRM No.M-9788 of 2015 titled as Amandeep Singh v. State of Punjab*** as the prayer in both these connected petitions is for quashing of FIR No.10 dated 14.03.2014 under Sections 420/120-B IPC, registered at Police Station Bariwala, District Sri Muktsar Sahib.

Since quashing was sought on the basis of compromise, parties in both these petitions had been directed to appear before the Illaqa

Magistrate concerned for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record on the file of CRM No.M-17111 of 2014 is a report dated 20.05.2015 of the learned Judicial Magistrate 1st Class, Sri Muktsar Sahib and a perusal thereof would reveal that the statements of the respondent/complainant, Pargat Singh as also accused Gaurav Bhandari and Kashish Parmar (petitioners in CRM No.M-17111 of 2014) as also accused Amandeep Singh (petitioner in CRM No.M-9788 of 2015 through attorney Baljinder Singh) have been duly recorded and it has been opined that the compromise that has been effected between the parties is without any pressure or coercion. Even the statements of the parties that have been recorded stand appended along with the report.

Perusal of the statements recorded of the complainant, Pargat Singh would show that a sum of Rs.4,80,000/- had already been received by him as per settlement. A sum of Rs.1,50,000/- was received at the stage of recording of the statements on 20.05.2015 and he was to receive the remaining settled amount of Rs.1,70,000/- at the stage of consideration of the present petition seeking quashing.

Counsel appearing for the petitioner in CRM No.M-9788 of 2015 has handed over a sum of Rs.1,70,000/- in Court today to the complainant, Pargat Singh, who is present in Court.

Complainant/respondent is even represented through counsel and makes a statement that he has no objection to the quashing of the FIR in support of the compromise having been arrived.

A Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** has taken a

view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non compoundable offences.

Adverting back to the facts of the present case, the parties have amicably resolved the dispute and a conscious decision has been taken by the parties to bury the hatchet.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petitions are allowed. FIR No.10 dated 14.03.2014 under Sections 420/120-B IPC, registered at Police Station Bariwala, District Sri Muktsar Sahib and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petitions allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

23.07.2015
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