

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-2123 of 2015

Date of Decision: 20.5.2015

Manmeet Singh and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Ramneek Vasudeva, Advocate
for the petitioner(s).

Mr. Neeraj Yadav, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Maan Singh, Advocate
for respondents No.2 to 4.

Darshan Singh, J.

1. The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 47 dated 18.4.2014, registered under Sections 420, 465, 467, 471 & 120-B of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Bhagwantpura, District Rupnagar and all the subsequent proceedings on the basis of the compromise deed dated 13.6.2014 (Annexure P2).

2. Vide order dated 21.1.2015 a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The 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, the learned Judicial Magistrate Ist Class has recorded the statements complainant Surinder Choudhary and her sisters Paramjit Kaur, Inderjit Kaur and also of accused/petitioners No.1 to 4, namely Manmeet Singh, Ravinder Singh, Ashok Pandey and Harjinder Singh on 31.3.2015. The statement petitioner No.5 Gurpreet Singh on 7.5.2015. The learned Judicial Magistrate has sent the reports dated 31.3.2015 & 7.5.2015, respectively, through the learned District & Sessions Judge, Rupnagar along with the copies of the statements of the parties and the interim order. The operative part of the report of the learned Judicial Magistrate dated 31.3.2015 is reproduced as under:

“On 31.3.2015 complainant Surinder Choudhary wife of Sh. Pawan Kumar, resident of House No. 1799, Pakka Bagh Rupnagar appeared before the Court and suffered a statement to the effect that in above mentioned FIR, the matter has been compromised between him, his sisters namely Paramjit Kaur and Inderjit Kaur and all the accused including Gurpreet Singh son of Ravinder Singh. As per the compromise they have taken their share in the property in question of their father later Pritam Singh and now there is no dispute between the parties and on the basis of said compromise Ex.C.1 a quashing petition bearing No. CRM-2123 of 2015 has been filed by the accused persons before the Hon'ble High Court for the States of Punjab and Haryana, Chandigarh. The said compromise has been got effected by him without any undue pressure or coercion and out of his own free will and consent. Now she have no objection if the above mentioned FIR in question is quashed against all the

accused including accused Gurpreet Singh son of Ravinder Singh.

On the other hand, joint statement of Paramjit Kaur aged about 57 years wife of Swaran Singh, r/o H.No. BA-15, Shalimar Bagh, New Delhi and Inderjit Kaur aged about 54 years wife of Sh. Surjit Singh r/o H.No.2981/1 Ranjit Nagar, has also been recorded to the effect that in the case of above mentioned FIR the matter has been compromised between them and complainant Surinder Choudhary and all the accused including Gurpreet Singh son of Ravinder Singh. As per compromise they have taken our share in the property in question of their father late Pritam Singh and now there is no dispute between the parties and on the basis of said compromise which is Ex.C1 is a quashing petition bearing CrI. Misc. No. 2123 of 2015 has also been filed by the accused persons before the Hon'ble High Court for the States of Punjab and Haryana and Chandigarh. Said compromise has been got effected by us without any undue pressure or coercion and out of our own free will and consent. Now they have no objection if the above mentioned FIR in question is quashed against all the accused including the accused Gurpreet Singh son of Ravinder Singh.

On the other hand joint statement of accused Manmeet Singh s/o Sh. Ravinder Singh aged about 34 years, accused Ravinder Singh aged about 68 years, s/o late Sh. Pritam Singh and Gurpreet Singh s/o Sh. Ravinder Singh aged about 35 years through his attorney Manmeet Singh, all resident of H.No. 213, Satya Niketan Moti Bagh-II New Delhi, accused Ashok Pandey s/o Sh. Avdesh Pandey aged about 65 years, r/o shop No. 7 Satya Niketan Moti Bagh New Delhi and Accused Harjinder Singh s/o Sh. Tara Singh aged about 64 years, r/o H. No. 115, Satya Niketan Moti Bagh New Delhi has also been recorded on 31.3.2015 they have filed the quashing

petition bearing Crl. Misc. No. 2123 of 2015 before the Hon'ble Punjab and Haryana High Court in view of the compromise Ex.C1 between the accused, complainant and the sisters of the complainant namely Smt. Paramjit Kaur and Smt. Inderjit Kaur. They have heard the above statement of the complainant Surinder Choudhary and the joint statement of her sister namely Paramjit Kaur and Inderjit Kaur which is correct and to which they agree. The quashing qua to accused Gurpreet Singh has been filed through his attorney who is his brother namely Manmeet Singh and the compromise is effected between all the above mentioned party including accused Gupreet Singh.

Original statement of complainant Surinder Choudhary vide Annexure-A, Joint statements of accused persons vide Annexure-B, Joint statements of Paramjit Kaur and Inderjit Kaur vide Annexure-C and copy of zimni order dated 31.3.2015 vide Annexure-D are enclosed herewith.

From the above statements of the parties it is made out that they have effected the compromise without any threat or coercion or undue influence and with their free will and consent. If the compromise is accepted it would be beneficial to the interest of both the parties.”

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.2 to 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. The petitioners have been indicted as accused for the offences punishable under Sections 420, 465, 467, 471 & 120-B IPC on the complaint made by complainant/respondent No.2-Surinder Choudhary on the allegations that her father was a Contractor in Delhi and a retired army personnel. She has two sisters, namely Paramjit Kaur & Inderjit Kaur and one brother namely Ravinder Singh. All of them are married. His brother has two sons, namely Manmeet Singh and Gurpreet Singh. She further stated that her father was having one house, 4-5 shops and bank accounts in Delhi besides land measuring 1½ acre in village Singh Bhagwantpur, District Rupnagar. He father died on 24.6.2010 in Delhi due to accidental injuries. Her mother is alive and is residing at Delhi. After the death of her father, his brother and nephews told the complainant and his other sisters to give up their shares so that the property of her father could be transferred in their names. But the complainant and her sisters never given up their shares. Thereafter, in the year 2012, they came to know that their brother and

nephews had prepared a forged and fabricated Will dated 5.5.2010 in connivance with the revenue officials and got transferred the property in their name. After getting fard jamabadi, they came to know that the land in dispute had been transferred in the names of their nephews. She further told that the Will in question was forged one as it was prepared on 5.5.2010 and registered in the office of Registrar, Seelampur, New Delhi on 14.3.2011 but her father died on 24.6.2010. Her brother also got the Will attested by the witnesses, namely Ashok Kumar Pandey and Harjinder Singh. Her father never put his thumb impression on any document in his life time. In this manner, the fraud has been played with the complainant and his sisters by their brother and nephews to grab the property of their father. She prayed that action be taken against the erring persons.

7. From the statements of the respondents No.2 to 4 as well as of the petitioners recorded by the learned Judicial Magistrate and her 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 photocopies 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 petitioners 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. 47 dated 18.4.2014, registered under Sections 420, 465, 467, 471 & 120-B IPC at Police Station Bhagwantpura, District Rupnagar 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.

(Darshan Singh)
Judge

May 20 2015
"DK"