

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21668-2015

Date of Decision: October 31, 2015

Lakhwinder Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Brijender Kaushik, Advocate,
for the petitioner.

Mr. Kuldeep Tiwari, Addl. AG, Haryana,
for respondent No. 1.

Mr. Neeraj Madan, Advocate,
for Mr. Sanjay Jain, Advocate,
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)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 190, dated 18.6.2011 (Annexure P-1), for the offences punishable under Sections 406, 420, 467, 468, 471 and 506, IPC, registered at Police Station, Baldev Nagar, Ambala City, District Ambala, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 7.7.2015, the affected parties were directed to appear before learned Area Judicial Magistrate for getting their respective statements recorded with regard to the compromise. The said Court was also directed to supply information as to the number of the accused; whether any accused was a proclaimed offender; and that the compromise was genuine, voluntary and without any coercion or undue influence.

In compliance of the above, the petitioner, Lakhwinder Singh, as well as respondent No. 2/aggrieved person, Dr. Vipin Jain, did appear before learned Judicial Magistrate First Class, Ambala, and got recorded their respective statements admitting the factum of the compromise. Respondent No. 2, Dr. Vipin Jain, suffered the following statement:-

“ I have compromised the matter with accused Lakhwinder Singh with help of respectable. The terms of compromise 5.6.15 have been reduced (deduced?) in writing and attested copy of same has been placed on record i.e. Ex.C1. The compromise entered by me is genuine, voluntary, without coercion & undue influence. I've received amount as per compromise.”

Similar statement was suffered by the petitioner, Lakhwinder Singh. The operative part of the report received from learned Judicial Magistrate First Class, Ambala, reads as under:-

“4. The undersigned further respectfully submits that:

i) Number of persons arrayed as accused in FIR were two i.e. Lakhwinder Singh and Mr. Mukesh Dhawan.

The undersigned further respectfully submits that Additional SHO Shri Satish Kumar P.S. Baldev Nagar was called up who has released statement to the effect that in the present case two accused persons namely Lakhwinder Singh and Mr. Mukesh Dhawan were arrayed in the FIR. However, challan was presented only against accused Lakhwinder Singh.

ii) The undersigned further respectfully submits that no accused was declared proclaimed offender in the present case.

iii) In view of the separate statements of the parties, I am satisfied that parties have compromised the matter out of their free will and there is no inducement, coercion, pressure or undue influence for compromise. I am fully satisfied regarding the genuineness of the compromise made between the parties. The complainant has no grouse if the above mentioned FIR is quashed. The compromise is genuine, voluntarily and without any coercion and undue influence.”

Learned counsel for the petitioner submits that on account of sale of an air-ticket to USA, a dispute had arisen between the petitioner and respondent No. 2, which resulted into registration of the impugned FIR. However, due to intervention of the respectable and elderly people of the society, better sense has

prevailed and both of them have resolved their dispute. The disputed amount has been paid to respondent No. 2/informant by the petitioner and, as such, pendency of the impugned FIR and all the consequential proceedings would be sheer abuse of the process of law.

Learned counsel for the State on instructions from ASI Dharam Pal of Police Station, Baldev Nagar, Ambala City, District Ambala, very fairly concedes that the offences committed by the petitioner were personal in nature and due to intervention of the respectable and elderly people of the society, both the private factions have resolved their dispute and, as such, he has no objection if the impugned FIR and the consequential proceedings arising therefrom 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 finds that the offences alleged to have been committed by the petitioner are personal in nature. All the terms and conditions of the compromise (Annexure P-2) have been materialized, as disclosed by learned counsel for the private parties. Respondent No. 2/informant has already suffered the statement before learned Judicial Magistrate First Class, Ambala, admitting the factum of the compromise. Report in that regard has also been received from the said Court.

As a sequel of the above and taking into consideration

the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543**, and a 5-Judge Bench judgment of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052**, this petition is accepted and FIR No. 190, dated 18.6.2011 (Annexure P-1), for the offences punishable under Sections 406, 420, 467, 468, 471 and 506, IPC, registered at Police Station, Baldev Nagar, Ambala City, District Ambala, and the consequential proceedings arising therefrom are hereby quashed.

October 31, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE