

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-24060 of 2014

DATE OF DECISION: 05.02.2015

Sukhdeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. K.S. Dhanora, Advocate
for the petitioner.

Mr. Parupkar Singh Ghuman, Addl. A.G., Punjab.

Mr. B.S. Brar, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

FIR No. 322 dated 13.12.2013 was registered under Sections 406/420 IPC at Police Station Phillaur, District Jalandhar City against accused-petitioner, namely, Sukhdeep Singh on the basis of statement made by Ravi Kumar-respondent No.2 alleging therein that an amount of ₹ 1,80,000/- was accepted by accused-petitioner for sending him to Canada. It was further alleged that out of the said amount, some of the amount was deposited in the account of the petitioner and when viza was not granted to the complainant, the present FIR was registered.

Now during the pendency of the proceedings, the matter has

been compromised between the parties and the present petition has been filed for quashing of the aforesaid FIR, on the basis of compromise.

Notice of motion was issued in the case on 18.7.2014 and thereafter vide order dated 28.10.2014, both the parties were directed to appear before the Illaqa Magistrate for recording of their statements. The Illaqa Magistrate was also directed to submit his report before this Court regarding genuineness/validity of the compromise.

In response to the directions issued by this Court, a report has been received from Sub Divisional Judicial Magistrate, Phillaur, which is on record. It has been mentioned in the report that the parties were present in the Court and their statements have been recorded, wherein, they have stated that they have voluntarily entered into the compromise out of their free will and without any undue influence. The trial Court in its report has also mentioned that no other case as well as PO proceedings are pending against the parties.

Complainant-Ravi Kumar has stated in his statement that he has received an amount of ₹ 85,000/- from accused-Sukhdeep Singh and has no objection in quashing of the FIR and other proceedings against him.

Since the dispute between the parties has been settled by way of compromise and complainant has no objection in quashing of the FIR and other proceedings arising therefrom, no purpose would be served by continuing the proceedings as the complainant is not going to support the case of the prosecution and the same would be a futile exercise.

Accordingly, in view of Larger Bench judgment of our own High Court in ***Kulwinder Singh and others vs State of Punjab and others, reported as 2007(3) RCR (Criminal) 1052***, the present petition is allowed and impugned criminal proceedings arising out of FIR No. 322 dated 13.12.2013 registered under Sections 406/420 IPC at Police Station

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(3)

Phillaur, District Jalandhar City along with all subsequent proceedings arising therefrom qua petitioner, namely, Sukhdeep Singh are quashed.

February 05, 2015
pooja

(DAYA CHAUDHARY)
JUDGE