

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-24986-2014

Date of Decision: September 23, 2015

Janak Raj @ Janka and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sarju Puri, Advocate,
for the petitioners.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for respondent No. 1.

Mr. Davinder Kumar, 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 the present petition, filed under Section 482, Cr.P.C., is for quashing of the FIR No. 408, dated 30.11.2015 (Annexure P-1), for the offences punishable under Sections 420,

467, 468 and 471, IPC, registered at Police Station, Banga, District SBS Nagar, and all the consequential proceedings emanating therefrom on the basis of the compromise, dated 22.5.2014 (Annexure P-2).

Vide order dated 24.4.2015, the affected parties were directed to appear before learned Area Judicial Magistrate/Trial Court for getting their respective statements recorded in respect of the compromise, dated 22.5.2015 (Annexure P-2). The said Court was also directed to submit a report containing the following information:

- “1. Number of the persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the settlement between the parties has any adverse affect upon any third party.*
- 5. The trial Court will also report about the stage of the trial.”*

In compliance of the above, all the three petitioners, namely, Janak Raj @ Janka, Sammitar Chand and Paramjit Singh, as well as Avtar Singh, General Power of Attorney of the informant/respondent No. 2, Sarwan Singh, did appear before learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar, and got recorded their respective statements.

Avtar Singh, General Power of Attorney of the informant/respondent No. 2, Sarwan Singh, suffered the following statement:-

“ I am attorney of Sarwan Singh complainant and I am authorized to proceed with the case as well as I am authorized to enter into compromise with the accused persons. As such we both the parties have effected compromise and the compromise is genuine, voluntary and without any coercion and without any undue influence and same has been effected with the free will and consent of the parties. I have no objection if the accused are acquitted from the charges framed against them. Copy of Power of Attorney is Ex. C-1 and Copy of the compromise is Ex. C-2.”

Similar statements were suffered by the petitioners.

The report received from learned Court below reveals that the petitioners were the only accused; none of them is a proclaimed offender; with the intervention of respectable persons, a compromise has been effected; the General Power of Attorney of the informant/complainant had no objection if the petitioners are acquitted of the charges framed against them; and that the amount advanced to petitioner No. 3, Paramjit Singh, on 4.7.2005, has been repaid to the bank and the loan account was closed on 22.11.2015.

Learned counsel for the parties are *ad idem* that after resolving the dispute, the private parties have effected the

compromise (Annexure P-2). Learned counsel for the respondents further submit that they have no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

In view of the totality of the facts and circumstances of the case, the statement suffered by learned counsel for the State as well as learned counsel representing the informant/respondent No. 2, Sarwan Singh, and 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 (SC), and the judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, the present petition is accepted and FIR No. 408, dated 30.11.2015 (Annexure P-1), for the offences punishable under Sections 420, 467, 468 and 471, IPC, registered at Police Station, Banga, District SBS Nagar, and all the consequential proceedings arising therefrom are hereby quashed.

Since the FIR was registered in the year 2005 and for the last ten years the private parties are consuming valuable public time, therefore, each petitioner/accused is burdened with costs of rupees ten thousand (₹10,000/- X 3 = ₹30,000/-), to be deposited with learned Trial Court within one month of passing of this order. In case any one of them fails to deposit the amount within

stipulated period, then the proceedings qua him would revive.

Learned Trial Court shall send its report in that regard after expiry of one month.

A copy of the order be sent to learned Trial Court immediately.

(NARESH KUMAR SANGHI)
JUDGE

September 23, 2015
P Kapoor