

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27426-2015

Date of Decision: November 28, 2015

Shiv Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. G.B.S. Dhillon, Advocate,
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

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

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by three petitioners, namely, Shiv Kumar, Arun Khanna and Sandeep Chopra, for quashing of FIR No. 477, dated 16.12.2014, for the offences punishable under Sections 120-B, 420, 467, 468 and 471, IPC, registered at Police Station, Civil Lines, Amritsar City, and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 18.8.2015, the affected parties were

directed to appear before the learned Area Judicial Magistrate/Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard alongwith copies of the statements to this Court.

In compliance thereof, all the three petitioners as well as respondent No. 2/informant/aggrieved person, Piara Singh, did appear before learned Chief Judicial Magistrate, Amritsar, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/aggrieved person, Piara Singh, suffered the following statement:-

“ I have got registered FIR No. 477 dated 16.12.2014 under section 420/467/468/471/120B IPC, registered at P.S. Civil Lines, Distt., Amritsar against accused Shiv Kumar, Arun Khanna and Sandeep Chopra and now with the intervention of respectables, entire matter between me and the accused has been amicably settled. I have arrived at compromise with the accused out of my free will and willful consent. I have no objection, if the (FIR No.?) 477 dated 16.12.2014 under Section 420/467/468/471/120B IPC, registered at P.S. Civil Lines, Distt., Amritsar is quashed.”

The petitioners also suffered the statements admitting the factum of the compromise. The operative part of the report

received from learned Chief Judicial Magistrate, Amritsar, is as under:-

“ From the statements of the parties it transpires that parties have willfully settled their differences and reached at bonafide compromise without any pressure and the same seems to be genuine. Hence, the requisite report.”

Learned counsel for the petitioners submits that on account of money transaction, the present criminal litigation has arisen between the private parties. The amount received by respondent No. 2, Piara Singh, has been returned by him to petitioner No. 2 and thereafter he (petitioner No. 2) has withdrawn the civil suit filed against Piara Singh. Due to intervention of respectable and elderly people of the society, the dispute has been resolved. At present, there remains no dispute amongst the private parties. He further submits that the offences alleged to have been committed by the petitioners were personal in nature. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on the judgments of Hon'ble the Supreme Court delivered in the cases of **Madan Mohan Abbot v. State of Punjab**,

(2008) 4 SCC 582 and 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.

Learned counsel for the State after going through the statements and the report received from learned Chief Judicial Magistrate, Amritsar, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further fairly admitted that the allegations levelled in the FIR would disclose that the offences alleged to have been committed by the petitioners were personal in nature. He further submits that he has no objection if the impugned FIR and all the consequential proceedings 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 also finds that the allegations levelled by respondent No. 2, Piara Singh, were with regard to filing of a civil suit on the basis of fabricated documents. The stand of petitioner No. 2, Arun Khanna, was that respondent No.2, Piara Singh, has charged ₹10,00,000/- (Rupees ten lacs only) from him. The said amount has been returned by Piara Singh to petitioner No. 2. The civil suit filed by Arun Khanna against Piara Singh has been withdrawn and, as such, there remains no dispute

between the private parties.

There appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

In the matter of **Madan Mohan Abbot (supra)**, Hon'ble the Supreme Court has held as under:-

"We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law."

In the matters of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

The report alongwith statements of the affected parties

received from learned Court below would reveal that respondent No. 2/informant/aggrieved person has genuinely effected a compromise with the petitioners and he has no objection if the impugned FIR and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Madan Mohan Abbot (supra)**, **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 477, dated 16.12.2014, for the offences punishable under Sections 120-B, 420, 467, 468 and 471, IPC, registered at Police Station, Civil Lines, Amritsar City, and all the consequential proceedings arising therefrom are hereby quashed.

November 28, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE