

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27636-2015

Date of Decision: November 28, 2015

Anil Gupta and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Ashish Aggarwal, Advocate,
for Mr. Veneet Sharma, 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?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by four petitioners, namely, Anil Gupta, Tarun, Raghav and Rajinder Kumar, for quashing of FIR No. 49, dated 24.6.2015 (Annexure P-1), for the offences punishable under Sections 120-B, 420, 465, 467, 468 and 471, IPC, registered at Police Station, 'D' Division, Amritsar City, and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 19.8.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Amritsar, 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 four petitioners as well as respondent No. 2/informant/aggrieved person, Pardeep Kumar, 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, Pardeep Kumar, suffered the following statement:-

“I have got registered FIR No. 49/24.06.2015 U/s 420/465/467/468/471/120-B of IPC, at P.S. D-Division, against the petitioners/respondents namely Anil Gupta s/o Darshan Lal, Tarun s/o Anil Gupta, Raghav s/o Anil Gupta, all r/o 163, Parkash Avenue, Kapurthala @ Rajinder Kumar s/o Mohan Lal, E.S. 80/3, Makhdoonpura, Near Lovely Sweet Shop, Nakodar Road, Jalandhar and now the matter between me and the aforesaid petitioners/respondents has been compromised with the intervention of the respectables. The compromise is without any pressure & coercion. I have no objection if the said FIR against the aforementioned accused be

quashed.”

The petitioners also suffered a joint statement 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/business transaction, the present criminal litigation has arisen between the private parties. 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 were with regard to business transactions. Both the private parties have resolved their dispute and effected a compromise and, as such, there remains no dispute between them.

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. 49, dated 24.6.2015 (Annexure P-1), for the offences punishable under Sections 120-B, 420, 465, 467, 468 and 471, IPC, registered at Police Station, 'D' Division, Amritsar City, and all the consequential proceedings arising therefrom are hereby quashed.

November 28, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE