

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-31773 of 2012 (O&M)
DATE OF DECISION : 30.7.2015

Harjit Singh and another

PETITIONERS

VERSUS

State of Punjab and others

RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers 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 ?

Present:- Shri Abhishek Goyal, Advocate for the petitioners.

Shri G.S.Sekhon, A.A.G. Punjab.

MAHESH GROVER, J.

This is a petition under Section 482 of the Code of Criminal Procedure praying for quashing of F.I.R. No.22 dated 17.1.2002 registered under Sections 419,420,463,464,465,466,467,468,471,474,120-B I.P.C. at Police Station Malerkotla and all consequential proceedings arising therefrom.

On earlier occasions two of the accused namely Pardeep Kumar and Kamlesh Rani (respondents 4 and 3) had filed a petition for quashing the same

F.I.R. which was accepted. Thereafter the present petitioners filed an application filed an application for modification of the order passed by this Court stating that they were also accused and ought to have been impleaded, but were impleaded as party-respondents. The Court granted the petitioners liberty to file a fresh petition in case there was a compromise qua them. The present petition has now been filed stating compromise between the complainant and the petitioner as well.

Learned counsel for the petitioners refers to Annexure P-3 which is a statement of complainant Kamlesh Rani that she has settled the matter with all the accused persons.

In the earlier petition i.e. Cr.M.No.M-20734 of 2009 filed by Kamlesh Rani, this Court noticed the fact of Kamlesh Rani's having entered into a compromise with the present petitioners as well. It is pertinent to mention here that the present petitioners were in fact respondents in the said petition and duly represented by an Advocate.

The report of the C.J.M. shows that complainant Kamlesh Rani is not traceable even though her address continues to be the same where she had been served in the earlier criminal misc. petition.

The aforesaid facts would indicate that the complainant probably has compromised the matter with all the accused persons and nothing survives in the present petitioner. Therefore, keeping the present petition and the F.I.R. alive, would not be in the interest of justice particularly when there is material to indicate settlement between the parties supported by the statement of the complainant.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. v. State of Tamil Nadu and others** 2014(4) R.C.R. (CrI.) 206 has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in

quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

The Hon'ble Division Bench of this Court in **Sube Singh and another v. State of Haryana and another** 2013(4) R.C.R. (Crl.) 102 has held that the High Court is vested with unparallel power to quash criminal proceedings at any stage to secure the ends of justice.

Having regard to the aforesaid and the observations of Full Bench in Kulwinder Singh v. State of Punjab 2007(3) Law Herald 2225, and Gian Singh v. State of Punjab 2012(4) R.C.R. (Crl.)543, the instant petition is allowed. Consequently, F.I.R. No. 22 dated 17.1.2002 registered under Sections 419,420,463,464,465,466,467,468,471,474,120-B I.P.C. at Police Station Malerkotla and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

July 30, 2015
GD

(MAHESH GROVER)
JUDGE