

**249 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-27882-2015**

**Date of Decision: December 01, 2015**

**GURMUKH SINGH WALIA**

**....PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND ANOTHER**

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

*Present:* Mr. Mandeep Kumar Dhot, Advocate,  
for the petitioner.

Mr. P.S. Paul, DAG, Punjab.

**NARESH KUMAR SANGHI, J**

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 111, dated 17.06.2015, for the offences punishable under Sections 406 and 420 IPC, registered at Police Station Mattour, District SAS Nagar (Mohali) and all the consequential proceedings arising therefrom, on the basis of compromise(Annexure P-2).

Vide order dated 20.08.2015 the affected parties were directed to appear before learned Chief Judicial Magistrate,

Mohali for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send its report to this Court.

In compliance of the above, Harnish Kaur–Informant/aggrieved person/respondent No.2 did appear before the Court below and suffered the following statement with regard to compromise:-

*“Stated that FIR of the present case was registered in terms of my statement against the accused, I have effected compromise with the accused persons. I effected the compromise voluntarily with accused without any pressure from any quarter. So, I do not want to pursue the FIR. I have no objection if the FIR is quashed on the basis of the compromise”.*

Petitioner – Gurmukh Singh had also appeared before the Court below and suffered the following statement:-

*“Stated that we have preferred CRM-M-27882 of 2015 under Section 482 of Cr.P.C. for quashing FIR No.111 dated 17.06.2015, under Sections 406/420 IPC, P.S. Mattaur, Mohali on the basis of compromise. The said compromise was effected by me voluntarily without any pressure from any quarter”.*

The operative part of the report received from the learned Court below is as under:-

*"I have honour to submit that in the above mentioned Criminal Misc. Hon'ble Mr. Justice Naresh Kumar Sanghi, Judge, Punjab and Haryana High Court, Chandigarh vide order dated 20.08.2015 has directed the parties to appear before this Court to make their statements regarding compromise and accordingly complainant and accused appeared before this Court on 14.09.2015 and their separate statements were recorded which were countersigned by their respective counsel. From their statements, I am satisfied that the said compromise was effected between them out of their free will and without any coercion and there is a valid compromise. Hence, the report is submitted accordingly with the copies of statements".*

Learned counsel for the petitioner submits that as per the allegations levelled against the petitioner, a sum of ₹1,00,000/- (Rupees One Lac only) was paid to him (petitioner) by Harnish Kaur- respondent No.2 for sending her to Australia from India but the petitioner failed to arrange her Visa and as such, the present FIR was registered. He further submits that during pendency of the investigation, the better sense has prevailed and both the private parties have resolved their dispute. As a sequel to the compromise, the amount allegedly charged by the petitioner from respondent No.2 has been returned to her (respondent No.2). All the terms and conditions of the compromise have been materialized. He further submits that petitioner and respondent No.2 did appear before the Court below and suffered their respective statements admitting

the factum of compromise. In support of his contentions for quashing of the impugned FIR and all the consequential proceedings emanating therefrom, the counsel representing the petitioner has placed reliance on a judgment delivered by Hon'ble the Supreme Court in the matter of *Gian Singh Vs. State of Punjab and another 2012 (4) RCR (Criminal) 543.*

Learned counsel for the State, on instructions from HC Jatinder Singh of Police Station Mattour, Dist. SAS Nagar (Mohali) and after going through the copies of the statements and report of the learned Chief Judicial Magistrate, Mohali admitted the factum of the compromise effected between the private factions.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that on account of payment of ₹1,00,000/- (Rupees One Lac only) by respondent No.2 to the petitioner for sending abroad, the present criminal litigation has emanated. Due to intervention of the respectable and elderly people of the society, they have resolved their dispute and effected a compromise. The execution of the compromise is fortified from the statements suffered by the respective parties and report received from the Court below.

In view of the above facts and circumstances of the case, pendency of the impugned FIR and all the consequential proceedings arising therefrom would be a sheer abuse of the process of law and as such, the present petition is accepted. FIR

No. 111, dated 17.06.2015, for the offences punishable under Sections 406 and 420 IPC, registered at Police Station Mattour, District SAS Nagar (Mohali) and all the consequential proceedings arising therefrom, are hereby quashed.

**(NARESH KUMAR SANGHI)**  
**JUDGE**

**December 01, 2015**  
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