

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. M- No. 30355 of 2014 (O&M)

268

Date of decision : 06.02.2015

Bhrampal Bhati

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ankush Chaudhary, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. P.S. Sullar, Addl. AG, Haryana

Mr. Jagjot Singh, Advocate
for respondents No. 2 and 3.

LISA GILL, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 115 dated 22.03.2009 registered under Sections 420, 467, 468, 471, 120-B Indian Penal Code (for short 'IPC') at Police Station Sarai Khawaja, Faridabad, Haryana and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

2. The above said FIR has been registered on the basis of application submitted by respondent No. 2 – Tarun Kumar Das Gupta alleging commission of offences under Sections 420, 467, 468, 471, 120-B IPC qua the petitioners as well as one D.P. Sinha and Inderpal.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the petitioners and respondents No. 2 and 3 on 29.08.2014 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

4. Learned counsel for the petitioner submits that the co-accused Inderpal is a proclaimed offender. His not being a signatory to the settlement between the parties or a party to this petition, does not come in the way of quashing of this FIR qua the present petitioners on the basis of settlement between the parties. He relies upon a decision of this Court in **Parambir Singh Gill versus Malkiat Kaur** 2010 (1) R.C.R. (Criminal) 256. The factum of the co-accused Inderpal being a proclaimed offender finds mention in report dated 29.10.2014 submitted by Judicial Magistrate 1st Class, Faridabad. It is also informed that another co-accused namely D.P. Sinha has since passed away and the proceedings qua him have been dropped.

5. This Court on 03.09.2014 had directed the parties to appear before learned trial court on 30.09.2014 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report whether the compromise statedly arrived at between the parties is the outcome of free will and consent of parties, besides informing total number of accused facing trial and stage of the trial.

6. Pursuant to order dated 03.09.2014 report dated 29.10.2014 has been received wherein it is mentioned that the settlement between petitioners and complainant – respondent No. 2 and his daughter Radha Dass Gupta – respondent No. 3 has been entered into voluntarily, without any pressure or undue influence and is genuine. It is mentioned that there are a total of four accused persons in this FIR out of whom one of the accused D.P. Sinha has since passed away and proceedings against him have been dropped. Accused Inderpal, as per the report of SHO, has been declared a proclaimed offender and is still at large. Statements of the petitioners as well as respondents No. 2 and 3 have been attached alongwith the report.

7. In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

8. Keeping in view the facts and circumstances of the case, no useful purpose shall be served by continuation of the proceedings against the petitioners. Chances of their conviction are bleak. Continuance of the proceedings qua them shall be an exercise of futility.

9. This petition is, thus, allowed and FIR No. 115 dated 22.03.2009 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Sarai Khawaja, Faridabad, Haryana alongwith all consequential proceedings are, hereby, quashed qua the petitioners.

February 06, 2015
rts

(LISA GILL)
JUDGE