

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 30988 of 2014.
Date of Decision : 19.05.2015.

Sukhwinder Singh @ Soni

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Paras Talwar, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab.

Mr. Himanshu Puri, Advocate for

Mr. Navjot Singh, Advocate for respondent Nos. 2 to 4.

Tejinder Singh Dhindsa, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 71, dated 29.07.2014, under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, registered at Police Station Haibowal, District Ludhiana, on the basis of compromise.

Since quashing was sought on the basis of a compromise, this Court while issuing notice of motion on 09.09.2014, had issued interim directions that it would be open for the complainant to record a supplementary statement before the investigating agency.

It has gone uncontroverted during the course of hearing today that in pursuance to the statements of the parties having been recorded, a cancellation report was prepared by the investigating agency and the same was presented before the Court of the learned Judicial Magistrate Ist Class, Ludhiana. However, such cancellation

report has not been accepted in the light of the following order passed on 30.04.2015 :-

*“Present: App for the State.
Complainant in person.*

Notice to complainant Satjit Singh, Ravinder Singh and Sukhdev Singh received back duly served. They have got recorded their statements to the effect that they agree with the report of police in this case and they have no objection in case present case is cancelled against the accused. They are suffering this statement with their free will & without coercion. They further stated that the matter has been compromised between them and the accused. However, perusal of the file reveals that the present FIR has been registered against the accused u/s 420, 467, 468, 471, 120-B IPC out of which Section 467, 468, 471 IPC are non compoundable offences. As such, the present cancellation report on the ground of compromise can not be accepted. The proper procedure which should have been adopted by the parties is first to approach the Hon'ble High Court for quashing with these observations the present cancellation report is not accepted. Police file be returned. Judicial papers be sent to the record room.”

A perusal of the order reproduced here-in-above would itself reveal that the parties had duly appeared and got their statements recorded as regards compromise having been effected of their own free will and without coercion. The cancellation report has not been accepted only on the ground that offences under Sections 467, 468, 471 IPC are non-compoundable.

A Full Bench of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052** has

taken a view that in appropriate cases this Court in exercise of its

powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non-compoundable offences.

Adverting back to the facts of the present case, since a dispute, which was essentially civil in nature, has been amicably settled amongst the parties, this Court deems it fit to intervene in exercise of its powers under Section 482 Cr.P.C. to bring to an end the criminal prosecution initiated in the light of the impugned FIR.

Accordingly, the present petition is allowed. Impugned FIR No. 71, dated 29.07.2014, under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, registered at Police Station Haibowal, District Ludhiana and all proceedings emanating therefrom stand quashed.

Petition allowed.

May 19, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE