

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-31137 of 2014

DATE OF DECISION: 09.02.2015

Harpreet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. T.N. Sarup, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 130 dated 6.12.2013 registered under Sections 420,406 IPC at Police Station Sadar, Kapurthala and further proceedings arising therefrom on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered against the petitioner on the basis of complaint made by respondent No.2. As per allegations in the FIR, some persons came to the complainant and stated that their relative, namely, Harpreet Singh (the present petitioner) does the work of travel agent and send persons to New Zealand. By believing them, the complainant agreed to go to New Zealand. A demand of ₹ 10 lacs was

made for sending the complainant and the same was settled for ₹ 7 lacs. Out of total amount, ₹ four lacs were paid in advance and ₹ three lacs were to be paid after getting visa. The complainant entered into an agreement to sell his house for arranging the money and after waiting for three months when he did not get the visa, the complaint was made by respondent No.2 and present FIR was got registered.

During pendency of the proceedings, a compromise has been arrived at between the parties and amount was returned to the complainant.

Notice of motion was issued on 10.9.2014 and vide order dated 29.10.2014, both the parties were directed to appear before the Illaqa Magistrate for recording of their statements. The Illaqa Magistrate was also directed to submit its report before this Court with regard to genuineness/validity of the compromise.

In response to the directions issued by this Court, a report has been received from ACJM, Kapurthala, which is on record. It has been mentioned in the report that the parties were present in the Court and their statements have been recorded, wherein, they have stated that they have voluntarily entered into the compromise out of their free will and without any undue influence or coercion. Complainant has specifically stated in his statement that compromise is without any pressure or coercion that too with the intervention of the respectables of the locality and to maintain peace and harmony in the relations. Complainant-respondent No.2 was also present before this Court on 29.10.2014 and submitted that he was satisfied with the compromise and has no objection in quashing of the FIR and other proceedings arising therefrom.

In view of the compromise arrived at between the parties and also the fact that the complainant has no objection in quashing of the FIR

and other proceedings, no purpose would be served in case the proceedings are continued in future as complainant is not going to support the case of the prosecution and it would be futile exercise and will be wastage of time of the Court. Moreover, In ***Kulwinder Singh and others vs State of Punjab and others, reported as 2007(3) RCR (Criminal) 1052***, the Larger Bench of our own High Court has held that the proceedings can be quashed on the basis of compromise even in case of offences, which are non-compoundable by exercising powers under Section 482 Cr.P.C. and after considering the statements with regard to compromise.

Accordingly, this petition is allowed and impugned criminal proceedings arising out of FIR No. 130 dated 6.12.2013 registered under Sections 420,406 IPC at Police Station Sadar, Kapurthala along with all subsequent proceedings arising therefrom qua petitioner, namely, Harpreet Singh are quashed.

February 09, 2015
pooja

(DAYA CHAUDHARY)
JUDGE