

**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M-35695 of 2014**

**Date of Decision: 1.4.2015**

Sher Singh and Others

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Darshan Singh.**

Present: Mr. Gurcharan Dass, Advocate  
for the petitioner(s).

Mr. Jasanpreet Singh, Assistant Advocate  
General, Punjab for respondent No.1.

Mr. Harminderjeet Singh, Advocate  
for respondent No.2.

**Darshan Singh, J.**

1. The present petition has been filed by the petitioner/accused- Sher Singh, Paramjit Kaur, Kiranpal Kaur and Amarjit Singh under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for quashing of FIR No. 182 dated 20.9.2012, registered under Sections 419, 465, 467, 468, 471 & 120-B of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Division No.5, District Ludhiana and all the subsequent proceedings on the basis of the compromise deed dated 25.9.2014 (Annexure P3).

2. Vide order dated 23.1.2015, a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the

statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Additional Chief Judicial Magistrate, Ludhiana through the learned District & Sessions Judge, Ludhiana along with the copies of the statements of the parties. The operative part of the report of the learned Additional Chief Judicial Magistrate is reproduced as under:

*“2. As directed, statement of complainant Kulwinder Kaur wd/o Kashmir Jatinder Singh r/o H. No. 59-C, Udham Singh Nagar, Ludhiana on identification of Sh. Bhag Singh Advocate was recorded. Complainant has categorically stated that impugned FIR No. 182 dated 20.09.2012 under Section 419, 465, 467, 468, 471, 120-B IPC was lodged on the basis of her statement and now with the intervention of respectables of locality the compromise has been effected with accused persons and she has no objection if the impugned FIR is quashed. She has also stated that compromise has been effected voluntarily without any inducement, threat, pressure and out of her free Will and she has no grudge against the accused present in the Court.*

*3. Similarly accused Sher Singh son of Vir Singh, Paramjit Kaur w/o Sher Singh residents of 189-G, Karnail Singh Nagar, Phase-2, Pakhowal Road, Ludhiana and permanent residents of village and Post Office Sherpur District Sangrur, Kiranpal Kaur w/o Amarjit Singh d/o Sher Singh and Amarjit Singh son of Harbans Singh r/o 189-G,*

*Karnail Singh Nagar, Phase-2, Pakhowal Road, Ludhiana on identification of Sh. Amrik Singh Advocate have also suffered joint statement that impugned FIR No. 182 dated 20.09.2012 was lodged against them and the matter stands compromised with the complainant voluntarily out of their free Will, without any inducement, threat or pressure and with the intervention of respectables. They further states that no other criminal proceedings are pending against them except the present FIR. They further states that present FIR on the basis of compromise with the complainant may be quashed.*

4. *ASI Attar Singh No. 1291 PS Div. No. 5, Ludhiana also suffered statement that no criminal case other than the present case is pending against the accused persons or complainant.*

5. *In view of statement of complainant and accused it is apparent that the matter has been compromised between the parties and the complainant has no objection in quashing the impugned FIR. In light of their statements compromise between the parties is result of free volition of the parties and without any inducement, threat or pressure and is voluntary. As per the statements of ASI Attar Singh No. 1291 P.S. Div. No. 5, Ludhiana no other criminal proceedings are pending against accused persons or complainant except present case.”*

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in

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also by Full Bench of this Court in ( ) % \$ "

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5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioners have been indicted as accused for the offences punishable under Sections 419, 465, 467, 468, 471 & 120-B IPC on the allegations that complainant-Kulwinder Kaur was married with Kashmir Jatinder Singh son of Sher Singh (petitioner No.1). He had purchased a car make Maruti Alto from Gulzar Motors Private Limited, G.T.Road, Dholewal, Ludhiana on 16.5.2011 vide invoice No. 11000153 and the payment was made through cheque of 2,76,536/-. The said car was allotted registration No. PB-10-DE-6995. Thereafter, husband of

the petitioner died on 10.8.2011 and his death certificate No. 15248 registration No. 2171 was issued by the Municipal Corporation, Ludhiana. After a few days of his death, the petitioner had forcibly taken away the car. The petitioners, in connivance with each other, had got transferred the said car in the name of Sher Singh by submitting an affidavit after forging the signatures of late Kashmir Jatinder Singh as the judicial paper was purchased by them on 3.11.2011 and got attested from the Notary Public on the same day, however, husband of the complainant died on 10.8.2011 i.e. about three months before the purchasing and signing of the affidavit. Petitioner No.1-Sher Singh has filed the said affidavit on the basis of which the car has been transferred in his name by the District Transport Officer, Ludhiana. At that time, it was well within the knowledge of the petitioners that husband of the petitioner had died and even then after forging his signatures, they managed to get the car transferred in the name of petitioner No.1-Sher Singh. In this manner, all the petitioners had cheated the complainant, who had lodged the complaint, on the basis whereof the impugned FIR was registered.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Additional Chief Judicial Magistrate and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopies of the compromise deeds have already been placed on record as Annexure P3.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 182 dated 20.9.2012, registered under Sections 419, 465, 467, 468, 471 & 120-B IPC at Police Station Division No.5, District Ludhiana and all the consequent proceedings arising therefrom are hereby quashed.

**(Darshan Singh)**  
**Judge**

**April 1, 2015**  
"DK"