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

CRR No.40 of 2008 (O&M)

Date of decision: February 24, 2015

Jaskaran Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioners.

Mr. V.P.S. Sidhu, AAG Punjab.

SABINA, J

Petitioners have filed this petition challenging the order dated 12.10.2007, whereby charges were ordered to be framed against the petitioners qua commission of offence punishable under Section 420 of Indian Penal Code, 1860 ('IPC' for short).

Learned counsel for the petitioners has submitted that the FIR in question was registered against the petitioners at the instance of Rajinder Singh on the allegations that, although, a compromise had been effected between the parties, but the petitioners had filed a false compliant against Rajinder Singh and his wife under Sections 323, 325, 312, 313 IPC. Learned counsel has further submitted that infact, in the compliant filed by Simratpal Kaur-Complainant, accused Rajinder Singh and Harbans Kaur were ordered to be

acquitted vide order Annexure P-8 in view of the compromise effected between the parties. Hence, no charge could have been framed against the petitioner qua commission of offence punishable under Section 420 IPC.

Learned State counsel, on the other hand, has opposed the petition.

Prosecution story in brief is that Rajinder Singh-Complainant had submitted a complaint dated 16.02.2006 against Jaskaran Singh. In the said case, matter was compromised between the parties on 03.03.2006 and complainant paid ₹4,50,000/- to Simratpal Kaur and her husband Jaskaran Singh. However, Jaskaran Singh and Simratpal Kaur had filed a false complaint against Rajinder Singh-Complainant and his wife Harbans Kaur under Sections 323, 325, 312, 313 IPC and had, thus, cheated the complainant.

Annexure P-1 is the complaint filed by Simratpal Kaur against Rajinder Singh (present complainant) and his wife Harbans Kaur and the same is dated 16.02.2006. Apparently, after the filing of the said complaint, matter was compromised by the parties.

Annexure P-8 is the copy of the order dated 29.02.2008 passed in the complaint (Annexure P-1). A perusal of the said Annexure P-8 reveals that Rajinder Singh and his wife Harbans Kaur were ordered to be acquitted as

the offence had been compounded by the parties. The present FIR was filed on the ground that, although, a compromise had been effected between the parties, yet petitioners had filed a complaint against complainant-Rajinder Singh and his wife, whereas in the complaint filed by the petitioner, matter was duly compounded and the present complainant and his wife were ordered to be acquitted.

Since the matter was duly compromised between the parties and the petitioners had honoured the terms of the compromise, the impugned order whereby charges were ordered to be framed against the petitioners qua commission of offence punishable under Section 420 IPC is liable to be set aside.

Accordingly, this petition is allowed. Impugned order dated 12.10.2007 is set aside. Consequently, petitioners are ordered to be discharged in FIR No.135 dated 01.07.2007, under Section 420 IPC, registered at Police Station City, Sri Muktsar Sahib.

**(SABINA)
JUDGE**

February 24, 2015

m.singh