

CRM-M-36438-2014

Decided on: 02.02.2015**Balbir Singh****..... Petitioner****Versus****State of Punjab and another****..... Respondents****CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Achin Gupta, Advocate,
for the petitioner.

Mr.R.S.Nain, AAG, Punjab.

Mr. Amit Sharma, Advocate
for respondent No.2.

M.M.S. BEDI, J (ORAL)

Petitioner seeks quashing of FIR No.17 dated 22.02.2014 under Section 420 IPC and 120-B IPC registered at Police Station Bajakhana, District Faridkot registered at the instance of respondent No.2 in a case of cheating by the petitioner and others on the allegations that she had been duped of a sum of Rs. 10 lacs by petitioner and three other co-accused. Petitioner, having paid a sum of Rs. 7,60,000/- to the complainant, seeks quashing of FIR qua him on the ground that he has repaid the amount to the complainant even more than his share.

Learned counsel for the complainant alongwith the complainant is present in the Court. The complainant has already made a statement before the trial Court regarding the matter having been compromised with the petitioner.

I have considered the facts and circumstances of the case and I am of the opinion that it is apparent that the matter has been compromised with one accused on payment of money on his behalf and on behalf of any other accused. Petitioner has paid extra amount than his liability. Partial quashing of FIR does not appear to be appropriate in this case but in the peculiar facts and circumstances of the case, the petitioner can be granted relief to the extent that his personal appearance will remain exempted before the Court on an application being filed by him, through out the trial subject to any conditions imposed by the trial Court. It will be open to the Court to permit him to appear through counsel as per provisions of Section 273 Cr.P.C.

This order will not in any manner prejudice the right of the petitioner to seek compounding of the offence under the provisions of Section 320(3) Cr.P.C.

The petition is disposed of in the above terms.

(M.M.S.BEDI)
JUDGE

February 02, 2015
anju