

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39599 of 2014

Decided on: February 10, 2015.

Sukhdev Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. M.S. Sarao, Advocate,
for the petitioner.

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

None for respondent No.2.

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

This is a petition for quashing of FIR No.14 dated 07.01.2014, under Sections 420, 120-B IPC registered at Police Station City Taran Taran, District Taran Taran at the instance of respondent No.2-Major Singh alleging that he had purchased some land from Rachhpal Singh and the case regarding its mutation was pending in the Court of SDM Baba Bakala. About 8-9 months prior to the lodging of FIR, petitioner along with Manjit Singh and Bhagwant Singh came to the house of complainant at Taran Taran. Non-petitioners Manjit Singh and Bhagwant Singh were known to the complainant. Complainant was informed that the mutation proceedings will be decided in favour of Rachhpal Singh as Sukhdev Singh was Land Valuation Officer and Baljit Singh, MLA of Beas Constituency, was near relative of him. Fraud was played by the petitioner, Manjit Singh and

Bhagwant Singh with the complainant.

This petition has been filed by Sukhdev Singh claiming that the matter has been compromised with complainant Major Singh. Copy of the compromise has been placed on record. The co-accused of the petitioner are not party in the present petition. Partial quashing of the FIR will not be appropriate.

In view of said circumstances, this petition is liable to be dismissed. It will be open to the complainant to make a supplementary statement before the Investigating Officer. It will be open to the Investigating officer to form any opinion whether the circumstances of the case warrant presentation of challan or not against all or any of the accused.

Learned counsel for the petitioner relies upon two judgments of the Co-ordinate Bench of this Court in **Parveen Kumar Vs. State of Haryana and another Criminal Miscellaneous No.20613 of 2012** decided on 10.10.2012 in a case of cheating, following judgment in **Parambir Singh Gill Vs. Malkiat Kaur, 2010 (1), RCR (Criminal) 256**, FIR qua one petitioner was permitted to be quashed. In the said case the petitioner had also filed a complaint against the opposite party. Parties had mutually agreed that complaint would be withdrawn and FIR would be quashed qua petitioner in that case. The stage at which the compromise was arrived at is not apparent from the order. The said judgment does not lay down an absolute rule of law that in all the cases partial quashing will be permitted on the basis of compromise. No strait jacket formula can be followed for permitting quashing on the basis of compromise. In the present case allegations against the petitioner and his co-accused are same. The challan has not yet been presented. It is not sure whether the prosecution agency

would present challan against all the accused or any one of them. The rights of the petitioner having been safeguarded to the effect that in case prosecution agency find it a case not fit to present challan against petitioner, it will be open to the State to present cancellation report subject to final adjudication by the Court of competent jurisdiction.

Dismissed with above said observations.

(M.M.S. BEDI)
JUDGE

February 10, 2015
harsha