

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43786 of 2014

Date of decision: August 04, 2015.

Ankur Sharma

... **Petitioner**

v.

State of Punjab & others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Ms. Shruti Seth, Advocate for
Shri Sharwan Sehgal, Advocate, for the petitioner.
Shri Jashanpreet Singh, Assistant Advocate General, Punjab
for respondents No.1 & 2.
Shri Rahul Vats, Advocate for respondent No.3.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No. 86 dated 4.8.2014, registered under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Division No.8/Kailash Chowk, Ludhiana (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed (Annexure P2).

2. Vide order dated 22.12.2014, a Coordinate Bench of this Court has directed the parties to get their statements recorded before the Judicial Magistrate, Ludhiana. The learned Judicial Magistrate 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 Judicial Magistrate 1st Class, 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 Sub Divisional Judicial Magistrate is reproduced as under:

“... the undersigned has recorded the statement of the parties to the said writ petition i.e. complainant Rana Chawla and the accused person namely Ankur Sharma respectively.

After going through the statements of the parties, I am of the considered view that the compromise between the parties is genuine.”

4. Learned counsel for the petitioner 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 ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

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.3 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. As per the prosecution allegations, the petitioner allegedly borrowed a total sum of Rs.9.00 lacs on two occasions from the complainant and as a part repayment thereof, issued a cheque in the sum of Rs.3.00 lacs which, upon presentation bounced, due to technical snag, as also the fact that the account belonged to some other entity. In this way, the petitioner is alleged to have shown his dishonest intentions, firstly to defraud the complainant by not repaying the borrowed money and thereafter committing forgery by issuing a fake cheque under fake signatures.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Judicial Magistrate and her 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 photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner 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. 86 dated 4.8.2014, registered under Sections 420, 465, 467, 468, 471 IPC at Police Station Division No.8/Kailash Chowk, Ludhiana (Annexure P-1) and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

August 04, 2015.
kadyan

[Darshan Singh]
Judge