

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

CRM-M No.12096 of 2016
Date of decision: 27th May, 2016

Rajesh Garg

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Petitioner in person along with
Mr. Arunjeet S. Kakkar, Advocate.

Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab
for respondent No.1.

Mr. Divyadeep Walia, Advocate
for respondent No.2.

FATEH DEEP SINGH, J.

This is a petition by accused Rajesh Garg under Section 482 Cr.P.C. whereby he has sought quashment of FIR No.3 dated 06.01.2016 under Sections 420/34 IPC pertaining to Police Station Canal Colony, Bathinda (Annexure P1) got registered by respondent No.2 Gurjit Singh Khadial, on the basis of compromise (Annexure P2).

Initially this Court had referred the matter to the trial Court seeking its report. Upon recording of statements of accused Rajesh Garg, complainant Gurjit Singh Khadial and the written compromise agreement Ex.CX, the Court has in its report dated 07.05.2016 opined

that the compromise was genuine, without any undue influence, coercion and pressure.

Heard Mr. Arunjeet S. Kakkar, Advocate for the petitioner; Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab representing the State/respondent No.1 and Mr. Divyadeep Walia, Advocate on behalf of respondent No.2.

The facts that calls for reiteration are that the FIR in question (Annexure P1) was got registered by the complainant Gurjit Singh Khadial, an Advocate, on the allegations that his vehicle make Toyota Fortuner bearing registration No.PB-3D-0002 was insured with HDFC ERGO General Insurance Company Limited. It was on 12.01.2015 in the area of Bathinda, his vehicle met with an accident and he handed over the vehicle for repairs to authorized dealers for this purpose where the present petitioner (now accused) was appointed as a Surveyor. Allegations of the complainant were that he was duped by the Surveyor and other officials namely Rahul and Naveen Munjal thus, the FIR in question was registered under Sections 420/34 IPC.

It was at this stage, learned counsel for the petitioner has sought to wriggle out of this commitment and even the petitioner who is present in Court has stoutly opposed the compromise (Annexure P2) by submitting that with the subsequent events he has a change of heart and as such the compromise cannot be given effect to.

Though on behalf of the complainant, learned counsel has denied these allegations of the petitioner but has acceded to the fact that there has been a compromise (Annexure P2) on the basis of which parties have testified before the Court below.

Appreciating the submissions, offence under Section 420 IPC is compoundable under the provisions of Section 320 Cr.P.C. at the concurrence of the complainant and therefore, there is no bar to effect compromise for such offences. Since the petitioner himself in the presence of his counsel has made a statement on oath before the Court below and has relied on his statement in the agreement of compromise Ex.CX and to the similar effect is the case of the complainant himself, now at this belated stage in view of the written compromise and its reiteration in the statements on oath before a Court of law, they cannot be allowed to retrace their steps and to back-out of it for which this Court seeks support from **‘Ruchi Aggarwal v. Amit Kumar Agrawal’ 2004(4) RCR(Criminal) 949** and **‘Mohd. Shamim v. Smt. Nahid Begum’ 2005(1) RCR(Criminal) 697**. More so, in the light of ratios laid down in **‘Sube Singh and another v. State of Haryana and another’ 2013(4) RCR (Criminal) 102**; **‘Gian Singh v. State of Punjab and another’ 2012(10) SCC 303**; and **‘Narinder Singh and others v. State of Punjab and another’ 2014(6) SCC 466**, such provisions of compromise even otherwise need to be liberally construed. Since nothing could be highlighted as to any element of fraud or

coercion at the time of entering into the compromise by learned counsel for the petitioner who has sought to oppose this compromise, his contentions as such are brushed aside. Thus, this Court taking a holistic and pragmatic approach feels it essential and in the interest of justice to allow the prayer made in this petition. Accordingly, proceedings by way of FIR (Annexure P1) and all consequences arising out of the said FIR qua the petitioner are quashed.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

May 27, 2016
rps