

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

CRM-M No. 31153 of 2015 (O&M)

Date of Decision: 17.02.2016

Jagir Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. B.R. Rana-I, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 1/State assisted by ASI Harbans Singh.

Mr. T.V.S. Lehal, Advocate
for respondent No. 2/complainant-Krishan Dayal.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 482 Cr.P.C. is for quashing of FIR No. 86, dated 16.08.2012, for offences punishable under Sections 420 and 120-B of the Indian Penal Code, registered at Police Station Nangal, District Rupnagar (**Annexure P-1**) and all subsequent proceedings arising therefrom on the basis of settlement arrived at between the parties.

Complainant-Krishan Dayal (respondent No. 2 herein) alleged that he had been cheated of a sum of Rs. 28,00,000/- (Twenty Eight Lacs only) by the present three petitioners/accused i.e. Jagir Singh, Avtar Chand and Santokh Singh. Accused/petitioner No. 2-Avtar Cand misrepresented himself as owner in possession of twenty acres of land fully described in aforesaid FIR, situated in village Behrampur, Tehsil Nangal, District Ropar and he is alleged to have received a total sum of Rs. 28,00,000/- (Twenty Eight Lacs only) as earnest money, while accused-petitioner No. 1 and 3 i.e. Jagir Singh and Santokh Singh were the

attesting witnesses to the agreement of sell dated 01.11.2008 and have, thus, connived with Avtar Chand (petitioner No. 1) and also shared the booty.

During the pendency of application for anticipatory bail filed by accused/petitioner No. 1-Jagir Singh, a compromise was arrived at, whereby for a refund of total sum of Rs. 30,00,000/- (Thirty Lacs only), the entire dispute for dues was deemed to be settled and also aforesaid FIR was to be quashed.

Since Rs. 5,00,000/- (Five lacs only) was not paid in terms of the compromise by the stipulated date, an objection was raised on behalf of the complainant/respondent No. 2 in the present petition under Section 482 Cr.P.C. for quashing.

However, subsequently, it is conceded that the said amount of Rs. Rs. 5,00,000/- (Five lacs only) have been paid to the complainant and another sum of Rs. 20,000/- (Twenty Thousand only) as additional compensation for the inconvenience caused to the complainant stands paid.

At the time of hearing, learned counsel for the complainant, on behalf of his client, makes a statement at the bar that he has no objection, if the aforesaid FIR is ordered to be quashed in terms of compromise having been fully complied with.

Learned State Counsel, assisted by ASI Harbans Singh, states that after completing the investigation, challan has been filed only qua petitioner Nos. 2 and 3 i.e. Avtar Singh and Santokh Singh. He has further stated that he has no objection, if the present FIR be quashed in the dispute having been settled, as the same is essentially of civil in nature.

In view of above, the present petition is allowed and the aforesaid FIR and all subsequent proceedings arising therefrom, are quashed qua the present petitioners.

February 17, 2016

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**(JASWANT SINGH)
JUDGE**