

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.276

CRM-M No. 38837 of 2015

Date of decision : 29.09.2016

Gurpal Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Satbir Rathore, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Manoj, Advocate for
Mr. Chander Kant Rana, Advocate
for respondent No.2.

AJAY TEWARI, J (Oral)

Prayer in the present petition, filed under Section 482 of the Cr.P.C, is for quashing of FIR No.103, dated 22.04.2015 registered under Sections 420, 406 of the IPC, at Police Station Dasuya , District Hoshiarpur qua the petitioners on the basis of a compromise, arrived at between the

parties.

As per the allegations, the petitioner Karandeep Singh told the complainant-respondent No-2 that co-accused Sukhwinder Singh was working in Malaysia and he was looking for some boys for merchant navy. Thereafter the victim was introduced with the aforesaid Sukhwinder Singh at his house where assurance was given for job in Malaysia. The victim handed over Rs. 2,00,000/- to the petitioners and Rs. 40,000/- was handed over to above-mentioned Sukhwinder Singh at his house. After taking Rs. 2,00,000/- from the complainant-respondent No.-2 victim was sent to Malaysia but no job was given and he came back home.

Learned counsel for the petitioners has argued that though in the FIR the petitioners have been given a short role but actually they were mere conduats and the main accused was Sukhwinder Singh and other persons who have fled abroad. As per him, even no money was received by the petitioners but yet they have paid Rs. 2.40 lacs to the complainant-respondent No.2 and the complainant-respondent No.2 made a statement in the Court that she would not file any petition against them.

In my opinion, the case of the petitioners can be separated from the other co-accused because as per the allegations in the FIR their role was only to take money and transfer it.

In this view of matter, I deem it appropriate to quash the FIR qua

the petitioners.

Pursuant to the order of this Court dated 18.11.2015 report dated 08.01.2016 from Sub Divisional Judiciala Magistrate has been received attesting to the fact that the matter has been compromised between the parties.

Counsel for the parties have also stated that in fact the matter has been compromised between the parties amicably. Counsel for the State has also confirmed this fact and states that there is no other case pending between the parties.

In view of the facts, noticed herein above, it is apparent that both the parties have arrived at a bona fide settlement. I am of the opinion that it would be in the interest of justice, as also in the interest of parties, if the present FIR and all subsequent proceedings, emanating therefrom are quashed. It is a fit case where this Court should exercise jurisdiction, under Section 482 of the Cr.P.C to put an end to these futile criminal proceedings.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail

the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, the present petition is allowed and FIR No.103, dated 22.04.2015 registered under Sections 420, 406 of the IPC, at Police Station Dasuya, District Hoshiarpur and all subsequent proceedings, emanating therefrom, are quashed qua the petitioners

September 29, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No