

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

***CRM No.M-10640 of 2016 (O&M)
Date of decision:20.03.2017***

Arjan Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Arun Abrol, Advocate for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Parminder Singh, Advocate
for respondent No.2-Complainant.

...

TEJINDER SINGH DHINDSA, J.

The Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.98, dated 22.08.2015, under Sections 420/465/468/471/120-B, registered at Police Station City, Gurdaspur on the basis of compromise, which as per counsel has been entered into between the parties.

Since quashing was sought on the basis of compromise, this Court on 14.09.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise and a veracity report was called for.

Placed on record is a report dated 05.12.2016 of the learned Chief Judicial Magistrate, Gurdaspur and a perusal of the same would reveal that statements of petitioner No.1-Arjan Singh as also complainant-Kulwant Singh (respondent No.2) herein have been duly recorded, but no opinion has been furnished as regards genuineness of the compromise on the basis that co-accused-Jagir Singh (Petitioner No.2) has not appeared

for recording of his statement.

Learned counsel appearing for the petitioners would submit that petitioner No.2-Jagir Singh had in fact duly appeared but his statement has not been recorded on account of certain discrepancy in residential address and identity proof furnished.

Be that as it may, perusal of the FIR would reveal that the same was registered at the instance of Kulwant Singh with the allegations that he has given a sum of Rs.3 lakhs to the accused party so that petitioners can double the amount.

As per statement of Kulwant Singh recorded before the Illaqa Magistrate, Gurdaspur, he has clearly stated that with the intervention of the respectables, the matter has been compromised.

Mr. Parminder Singh, learned counsel appearing for the complainant-respondent No.2 also makes a statement at bar that the amount of Rs.3 lakhs has been received by the complainant and he would have no objection to the quashing of the FIR.

This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh & others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

Under such circumstances, this Court finds it to be a fit case to intervene in the matter and to recognize the compromise that has been entered into between the parties. Continuation of criminal proceedings under such circumstances would be a futile exercise and would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed.

FIR No.98 dated 22.08.2015, under Sections 420/465/468/471/120-B IPC registered at Police Station City, Gurdaspur and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

20.03.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes / No |
| ii) | Whether reportable? | Yes / No |