

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-12234 of 2017 (O&M)
Date of Decision: 18.04.2017

Harmeet Singh & another

--Petitioners

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. Varun Sharma, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.98 dated 06.06.2007 under section 420 I.P.C and sections 8, 9 of Prevention of Corruption Act (later on challan has been presented under sections 420, 120-B I.P.C and sections 8, 9 of Prevention of Corruption Act have been deleted), registered at Police Station, Sultanwind, District Amritsar, on the basis of a compromise which as per counsel has been entered into with the complainant Sucha Singh/respondent no.2.

On an earlier occasion the petitioners had filed CRM No. M-14895 of 2016 seeking identical relief.

Such petition was dismissed as withdrawn in the light of order dated 20.5.2016, passed by a Coordinate Bench of this Court and which reads as under:-

“This is a petition under section 482 Cr.P.C. seeking quashing of FIR on the basis of compromise.

Learned counsel for the petitioners contends that in the final report submitted by the investigating agency, offences under the Prevention of Corruption Act were dropped. Petitioners have arrived at a compromise with respondent no. 2. Thus, FIR needs to be quashed.

On the last date of hearing assistance of State counsel was sought. He has opposed the prayer. According to him, allegations against the petitioners are that they took Rs.3.5 lacs from the complainant with the promise to arrange bank loan for them. As they failed to do so, complainant lodged instant FIR. He, on instructions from H.C. Joginder Singh, who is present in court, submits that petitioner no. 1 has been declared a proclaimed offender vide order dated 04.12.2015.

Keeping in view nature of allegations leveled in the FIR and the fact that petitioner no. 1 is a proclaimed offender, I am of the considered view that no case for quashing of FIR is made out on the basis of compromise.

At this stage, learned counsel submits that he may be allowed to withdraw this petition with liberty to the petitioners to raise all the pleas before the trial court at the appropriate stage.

Dismissed as withdrawn with aforesaid liberty.”

There would be no basis and occasion for this Court to now intervene in the matter solely on the basis of compromise.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

18.04.2017

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Whether speaking/reasoned: Yes

Whether Reportable: No