

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

**CRM No.M-1460 of 2017 (O&M)
Date of decision: 15.03.2017**

Tarsem Chand

... Petitioner

Versus

State of Punjab & another

... Respondents

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

Present: Mr. G.S. Brar, Advocate for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

Mr. Amandeep Rana, Advocate for respondent No.2.

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.41, dated 18.06.2015, under Sections 420/465/467/468/471/120-B, IPC registered at Police Station Mansa City-I, District Mansa 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, parties were directed to appear before the trial Court on 25.01.2017 for recording of their statements in support of the compromise. Veracity report was also called for.

Placed on record is a report dated 25.01.2017 of the Chief Judicial Magistrate, Mansa and a perusal thereof would reveal that statements of the complainant Rajinder Kumar and accused Tarsem Chand have been duly recorded and it has been opined that the compromise has been effected voluntarily and without any fear, pressure or coercion.

Mr. Amandeep Rana, Advocate, who represents the complainant submits that the entire amount of Rs.1.5 lakhs has been received from the petitioner in pursuance to the compromise and as such, 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*.

Adverting back to the facts of the present case, it may be noticed that the allegations against the petitioner are serious in nature. The present petitioner is alleged to have received a total amount of Rs.1.5 lakhs to facilitate the awarding of a Ph.D. degree in favour of the complainant's wife. Out of the aforesaid amount, Rs.70,000/- was by way of demand draft in the name of CMJ, University, Meghalaya, Shillong.

This Court is inclined to accept the prayer in view of the fact that during the course of investigation, there are no other complaints that have been received as regards other prospective candidates also having been duped by the petitioner in a similar fashion.

Counsel appearing for the petitioner has even produced before this Court the result of the selection process for the post of Junior Field Investigator under the Forest Department, State of Punjab and as per which the petitioner has been ranked at Sr. No.1 under the general category. It is contended that the order of appointment in pursuance to such selection process has been held in abeyance merely on account of registration of the

FIR.

In the totality of circumstances, it would be a fit case for this Court to intervene and to exercise its powers under Section 482 Cr.P.C. to bring to an end the prosecution in pursuance to the impugned FIR on account of a compromise having been arrived at.

In view of the above, the present petition is allowed. FIR No.41, dated 18.06.2015, under Sections 420/465/467/468/471/120-B, IPC registered at Police Station Mansa City-I, District Mansa and all proceedings emanating therefrom are quashed.

Petition allowed in the aforesaid terms.

15.03.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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