

**269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-27569-2017(O&M)

Date of decision: 24.10.2017

Ram Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kuldeep Singh Saini, Advocate
for the petitioner.

Mr. A.S.Gill, Sr. DAG, Punjab.

Mr. Amandeep Singh Saini, Advocate
for respondents No.2 and 3.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.51, dated 13.04.2012, under Sections 406, 420, 120 IPC, registered at Police Station Morinda, District Rupnagar, on the basis of compromise dated 06.07.2017 (Annexure P-2).

Vide order dated 31.07.2017, the parties were directed to appear before the trial Court for recording their respective statements with regard to compromise.

The report of the trial Court dated 07.09.2017 has been received. As per report, complainants, namely, Sher Singh and Harmit Singh have entered into a valid compromise with the petitioner/accused, namely, Ram Kumar.

Learned counsel for the petitioner submits that on an earlier occasion, one co-accused, namely, Manpreet Singh had filed CRM-M-42023 of 2013, on the basis of compromise with the respondent-

complainants and the FIR was quashed, vide order dated 25.04.2014. The operative part of the order is reproduced as below:-

“ The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of the FIR No. 51 dated 13.04.2012 (Annexure P-1), registered for offence under Sections 406/420/120-B IPC at Police Station Morinda, District Rupnagar, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, in the year 2011-2012 petitioner committed fraud upon respondents no.2 and 3 by not returning the earnest money of Rs.60,00,000/- taken from them in lieu of agreement to sell a specific portion of land despite the fact that the last date of execution of the sale deed was 30.03.2012.

Upon notice, Ms. Shivali, AAG, Punjab has put in appearance on behalf of respondent No.1-State and Mr. Aman Rehal, Advocate has put in appearance on behalf of respondents No.2 - complainant and respondent no.3.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 14.03.2014 stating, therein, that the compromise has been effected in between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned counsel for the respondents No.2-complainant and 3 has submitted that in view of the compromise (Annexure P/2), the private respondents no.2 (complainant) and 3 have no objection if the impugned FIR (Annexure P/1) is quashed. Learned State counsel has also not disputed the compromise (Annexure P/2).

In the instant case, the compromise has been effected with the intervention of the respectables and now the parties

wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-2) along with all consequential proceedings arising therefrom is quashed.”

In view of the fact that the complainant-respondents No.2 and 3 have already compromised with the petitioner, FIR No.51, dated 13.04.2012, under Sections 406, 420, 120 IPC, registered at Police Station Morinda, District Rupnagar, on the basis of compromise dated 06.07.2017 (Annexure P-2) is ordered to be quashed qua the petitioner.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

24.10.2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No