

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

**CRM No.M-35387 of 2015 (O&M)
Date of Decision: December 13, 2017**

Jaswinder Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Chanchal K. Singla, Advocate
for the petitioner.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

None for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and State Bank of Patiala, Branch Kitchlu Nagar, Ludhiana for quashing the FIR No.24 dated 29.04.2010 under Sections 467, 468, 471 and 120-B IPC, registered at Police Station PAU, District Ludhiana and all the subsequent proceedings arising therefrom, on the basis of Settlement/Award of Lok Adalat dated 14.02.2015.

Notice of motion was issued. Learned State counsel appeared.

However, none appeared on behalf of respondent No.2, despite service.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

Learned counsel for the petitioner argued that the dispute between the parties regarding the money has already been settled by the Lok Adalat and now respondent No.2, after receiving the whole money as per the Award, is not coming forward to get the FIR quashed. Learned counsel for the petitioner brought to the notice of this Court Annexure P-2, Award passed by the Presiding Officer, Lok Adalat, Ludhiana, wherein it is ordered that Award of ₹4,12,000/- is passed in favour of the claimant bank and against the respondent (present petitioner) and respondent was directed to deposit the settled amount of ₹2,12,2000/- with the bank on that day. Both the parties were ordered to remain bound down by their own statements and in case of failure, it is ordered that bank is entitled to recover the entire amount due along with interest as per agreement.

The perusal of Annexure P-3 shows that Jaswinder Singh, present petitioner made statement before Lok Adalat that he has entered into compromise with the bank to the tune of ₹4,12,000/- and he has already paid ₹2 lakhs on 20.11.2014 and on that day, he has paid full and final amount of ₹2,12,000/- in cash to the bank and now nothing is due against them. The criminal case between them pending in the Court will be withdrawn by the bank. This statement was recorded on 14.02.2015. The statement of Surinder Kumar Sharma, AGM, State Bank of Patiala, was also recorded on that day, in which he stated that the bank has received full and final amount against the loan and nothing remains payable to the bank. In this statement, AGM, State Bank of Patiala, nowhere objected to the statement regarding withdrawal of the criminal case. Now, the petitioner has filed this petition

service.

From the record, it is clear that respondent No.2-bank has availed the benefits under the settlement before the Lok Adalat and now, not coming forward to give the statement for quashing of the FIR in question. It is settled law that after availing the benefit under the compromise, a party cannot resile from compromise.

Keeping in view the facts and circumstances of the present, in view of the settlement between the parties, I find merit in the present petition, the same is allowed. FIR No.24 dated 29.04.2010 under Sections 467, 468, 471 and 120-B IPC, registered at Police Station PAU, District Ludhiana and all the subsequent proceedings arising therefrom, are hereby quashed.

December 13, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No