

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-37441 of 2016 (O&M)

Date of Decision: 09.05.2017

Rashpal Singh

--Petitioner

Versus

State of Punjab & another

--Respondents

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

Present:- Mr. Deepak Goyal, Advocate for the petitioner.

Mr. P.S. Grewal, D.A.G., Punjab.

Mr. Saurabh Kapoor, Advocate for respondent no.2.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of F.I.R. No.115 dated 8.11.2014 under section 420 I.P.C registered at Police Station, Anandpur Sahib, District Rupnagar.

Since quashing was sought on the basis of compromise, this Court on 7.12.2016 had directed the parties to appear before the Trial Court/Illaq Magistrate on 12.1.2017 for recording of their statements in support of the compromise and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 8.2.2017 of the learned S.D.J.M., Sri Anandpur Sahib and a perusal thereof would reveal that the statements of the complainant Gural Singh as also of the accused/petitioner Rashpal Singh have been duly recorded and it has been opined that a compromise has been entered into voluntarily, without any undue influence, pressure and coercion.

It is, by now, well settled that in appropriate cases, this Court in exercise of power under Section 482 Cr.P.C would intervene to bring to an

end criminal proceedings even in relation to offences, which are non-compoundable. A reference in this regard may be made to a Full Bench judgement of this Court rendered in case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (Criminal) 1052.**

Adverting back to the facts of this case, counsel for the petitioner would submit that even though the allegations were of misappropriation and fraud having been committed of a sum of Rs.6 lacs on the pretext of sending wife of the complainant abroad, yet, it was essentially a money dispute and which has since been settled.

Learned counsel appearing for the complainant/respondent no.2 would also submit that he has no objection to the quashing of the impugned FIR in the light of the compromise that has been effected.

Even learned State counsel upon instructions from ASI Balram would apprise the Court that during the course of investigation apart from the complainant no other person has come forth and got his/her statement recorded of having been duped in a similar fashion.

In the considered view of this Court, it would be a fit case for exercise of powers under Section 482 Cr.P.C to bring to an end the criminal prosecution initiated in the light of the impugned FIR.

Accordingly, the present petition is allowed. F.I.R. No.115 dated 8.11.2014 under section 420 I.P.C registered at Police Station, Anandpur Sahib, District Rupnagar and all proceedings emanating therefrom stand quashed on the basis of compromise having been entered into between the parties.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

09.05.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No