IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-38134 of 2016
Date of decision: 18.01.2017

Raghbir Singh @ Raghubir Singh .. Petitioner

Versus

Union Territory, Chandigarh and another .. Respondents

2. CRM-M-38281 of 2016

Swaranjit Kaur .. Petitioner

Versus

Union Territory, Chandigarh and another .. Respondents

3. CRM-M-38282 of 2016

Gurdev Singh .. Petitioner

Versus

Union Territory, Chandigarh and another .. Respondents

4. CRM-M-39679 of 2016

Tejinder Singh and another .. Petitioners

Versus

Union Territory, Chandigarh and another .. Respondents

5. CRM-M-40287 of 2016

Jagroop Singh .. Petitioner

Versus

Union Territory, Chandigarh and another .. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.K. Dogra, Advocate
for the petitioner in CRM-M-38134-2016.

Mr. Ajay Singla, Advocate
for Mr. Vivek Kathuria, Advocate
for petitioners in CRM-M-38281-82 of 2016.

Mr. H.S. Sidhu, Advocate
for petitioners in CRM-M-39679-2016 & CRM-M-40287-2016.

Mr. Sukant Gupta, APP, U.T. Chandigarh.

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SURINDER GUPTA, J.(Oral)

Above captioned petitions have been filed by petitioners under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 277 dated 15.06.2012 (Annexure P-1), registered for offences punishable under Sections 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code (for short 'IPC') at Police Station Sector 34, Chandigarh, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-3).

As per case of the prosecution, during the period 05.12.2009 to 12.05.2010, petitioners had hatched a criminal conspiracy to defraud complainant-Ashish Anand of his land and of an amount of ₹25 lacs that had been adjusted vide affidavit dated 05.12.2009 of Swaranjit Kaur qua sale of 2 acres of land already made in favour of Raghbir Singh Bajwa. They prepared forged agreements to sell dated 19.06.2006 and 09.12.2006 wherein payment of cheques no. 479008 and 479009, which had already been adjusted in affidavit dated 05.12.2009 was shown to have been made for purchase of land vide above referred agreements.

Upon notice, Mr. Sukant Gupta, APP, U.T. Chandigarh put in appearance on behalf of respondent No.1-State.

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 21.12.2016 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any coercion or undue influence.

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Learned State counsel has also not disputed compromise (Annexure P-1).

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 to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

In view of the above discussion, the instant petition is allowed and the impugned FIR No. 277 dated 15.06.2012 (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

January 18, 2017 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

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