

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

CRM-M-37907-2017 (O&M)

Date of decision: 14.12.2017

Jaspal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CRM-M-47703-2017 (O&M)

Gurcharan ingh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior DAG Punjab.

Mr. Arun Abrol, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for quashing of the FIR No. 183 dated 31.12.2016 (Annexure P-1) under Sections 406, 420, 467, 468, 471 and 120-B IPC registered at Police Station City Malout, District Sri Muktsar Sahib.

On 09.10.2017 while issuing notice of motion the matter was referred to Mediation and Reconciliation Centre to explore the possibility of settlement between the parties. The Mediator has submitted a report dated 08.12.2017 and as per this report, the parties have settled the entire dispute. The operative part of the settlement is

reproduced as under :

6. The following compromise/settlement has been arrived at between the parties hereto:

a) first party has agreed to pay a sum of Rs. 5,25,000/- (Rupees Five Lacs and Twenty Five Thousand only) to the second party. The first party has handed over two Bank Drafts bearing Nos. 005483 and 225484 dated 07.12.2017 amounting to Rs. 1,50,000/- each i.e. totalling amounting to Rs. 3,00,000/- drawn on HDFC Bank, payable at Malout in favour of the second party today in the Mediation Centre. The remaining sum of Rs. 2,25,000/- shall be paid by the first party to the second party on or before 23.01.2018 by way of Bank Draft/RTGS/NEFT in favour of the second party Labh Singh and second party shall give his Bank Account No. to the first party for the purpose of RTGS/NEFT within 10 days from today. Photo copies of Bank Drafts are attached herewith. The abovesaid amount of Rs.5,25,000/- shall be the full and final settlement between the first party and the second party and nothing shall be claimed by the second party towards the first party thereafter.

b) That as per the parties, except the present CRM and the abovesaid FIR and proceedings thereof, no other civil or

criminal litigation is pending between the parties. Both the parties further undertake that they will not file any civil or criminal litigation against each other in future with regard to the present dispute.

c) The second party have no objection if the present CRM-M-37907 of 2017 for quashing the aforesaid FIR is allowed by the Hon'ble High Court. The second party has also agreed to make statement before the Hon'ble High Court in this regard.

d) Gurcharan Singh from the first party shall file a petition for quashing of the above mentioned FIR on the basis of the compromise arrived at between the parties before the Hon'ble High Court within 10 days from today and the second party shall co-operate and shall make a statement before the Hon'ble High Court or before any other Hon'ble Court for quashing of the same.

Perusal of the FIR shows that there are two accused nominated in the FIR Jaspal Singh and Gurcharan Singh. On instructions from HC Kuldip Singh learned State counsel has not denied the fact that parties have settled the dispute. In view of the fact the dispute was with regard to the settlement of certain accounts and it was an individual dispute between the petitioners and the complainant and which has now been settled, the offences under Sections 406, 420, 467,

468, 471 and 120-B falls in the category which can be compounded in view of the judgment of the Hon'ble Full Bench in *Narinder Singh & others vs. State of Punjab & another, (2014) 6 SCC 466*.

Since the parties have decided to live in peace and they belong to the same Village, settlement/compromise arrived at between the parties is for the welfare of both the parties and no purpose will be served in allowing the continuation of proceedings in pursuance to the FIR No. 183 dated 31.12.2016 (Annexure P-1) under Sections 406, 420, 467, 468, 471 and 120-B IPC registered at Police Station City Malout, District Sri Muktsar Sahib, the same is quashed.

The petitions stand disposed of.

14.12.2017

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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No