

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-41783-2016

Date of decision : 16.03.2017

Pinder Singh @ Palwinder Singh

... Petitioner

Versus

The State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Baltej Singh Sidhu, Advocate
for the petitioner.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab.

Mr.Tarun Jhatta, Advocate
for respondent no.2.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, FIR No.36 dated 16.03.2015, registered against the petitioner at Police Station City, Sri Muktsar Sahib, for the alleged commission of an offence punishable under Section 420 IPC, is sought to be quashed, on the basis of a compromise arrived at between the petitioner-accused and respondent no. 2, i.e. the complainant.

Vide an order of this Court dated 11.01.2017, the parties were directed to appear before the learned Area Magistrate, to get their statements recorded, in terms of the compromise.

Pursuant to the order dated 11.01.2017, the report of the learned Chief Judicial Magistrate, Sri Muktsar Sahib, has been received, to the effect that the statements of respondent no.2, Gurpal Singh, i.e. the complainant in the FIR registered against the petitioner, as also of the petitioner, Pinder Singh, were recorded before that Court.

Copies of the said statements have been annexed with the report of the learned Chief Judicial Magistrate.

As per the assessment of that Court, the compromise has been effected between the parties voluntarily, without any coercion, fraud or misrepresentation.

The complainant had alleged in the FIR that the petitioner had come to him with 6 tolas of gold in March 2014 and took ₹2,70,000/- with a promise to return the same after 6 months, but thereafter it was discovered by the complainant that 'the gold was actually not gold'. Hence, the FIR was registered for the alleged commission of an offence punishable under Section 420 IPC.

In view of the above, with the parties having compromised the matter and the offence in any case being compoundable at the instance of person alleged to be cheated, I see no reason not to allow the petition.

Consequently, the petition is allowed and FIR No.36 dated 16.03.2015, registered against the petitioner at Police Station City, Sri Muktsar Sahib, for the alleged commission of an offence punishable under Section 420 IPC, along with all proceedings arising therefrom, is hereby quashed.

(AMOL RATTAN SINGH)
JUDGE

March 16, 2017.
Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No