

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-44614 of 2016

Date of decision: 08.03.2017

Harjit Singh Bhatti

.. Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bikram Singh, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 77 dated 28.07.2012 (Annexure P-1), registered for offences punishable under Sections 420, 465, 468, 471 of Indian Penal Code (for short 'IPC') at Police Station Jodhan District Ludhiana along with all consequential proceedings arising therefrom, on the basis of compromise dated 28.01.2014 (Annexure P-2).

As per case of the prosecution, petitioner is relative of the complainant. Petitioner alongwith his wife Aman Kaur visited the house of complainant and asked him to invest ₹2 lacs in the share market and assured him to give 20% profit per month. They also assured that principal amount will be returned to him on 01.07.2011. On the assurance of petitioner, complainant gave ₹2 lacs to the petitioner on 31.12.2010 in presence of Balwinder Singh and Bhag Singh but no receipt of the said amount was given to the complainant by the petitioner nor any profit was received by the complainant. When complainant demanded the receipt of ₹2 lacs, the

petitioner gave him a computer generated receipt, which was not signed by any officer of any company. Even the petitioner is not ready to return ₹2 lacs taken by him from the complainant. The petitioner also obtained signatures of complainant on some blank paper on the pretext of issuance of receipt and later on an undertaking was got typed by him on the said paper.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2 .

Learned State counsel has not disputed compromise dated 28.01.2014 (Annexure P-2).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 03.03.2017 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

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.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR No. 77 dated 28.07.2012 (Annexure P-1), registered for offences punishable under Sections 420, 465, 468, 471 of

IPC at Police Station Jodhan District Ludhiana along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

March 08, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No