

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9554 of 2016 (O&M)

Date of Decision: 23.01.2017

Jagroop Singh and others

.....PETITIONER(s).

VERSUS

State of Punjab and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rahul Rampal, Advocate
for the petitioners.

Mr. Jashanpreet Singh, AAG, Punjab.

None for respondent no. 2.

SURINDER GUPTA, J.(Oral)

Petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 34 dated 11.04.2003 (Annexure P-1), registered for offences punishable under Sections 420, 467, 468, 471 read with Section 120-B Indian Penal Code (for short 'IPC') at Police Station Raikot, District Ludhiana along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of prosecution, complainant sold land measuring 82½ feet in length and width through sale deed dated 26.11.2002 to Jagroop Singh and possession of the same was delivered to him. Petitioners sold the same property to Jaswant Singh and Gurmit Singh on 23.12.2002 in order to deceit the complainant and delivered the possession of her remaining land except the land sold by her to Jagroop Singh.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the trial court to produce the compromise and get their statements recorded. The trial court has sent its report dated 12.01.2017 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 and coercion.

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

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offences punishable under Sections 467, 468 and 471 IPC are not compoundable. In case ***Kulwinder Singh vs. State of Punjab***, 2007 (3) RCR (Crl.) 1052, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

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. 34 dated 11.04.2003 (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

January 23, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No