

**271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16024-2017(O&M)

Date of decision: 24.01.2018

Lokesh Mehta

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kapil Khanna, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab
for respondent No.1-State.

None for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.121, dated 29.06.2015, under Sections 406, 420 IPC and 66(c) of Information and Technology Act, registered at Police Station Navi Baradari, District Jalandhar, on the basis of compromise dated 11.06.2016 (Annexure P-2).

Vide order dated 08.05.2017, the parties were directed to appear before the trial Court for recording of their respective statements with regard to compromise.

The report of the trial Court dated 02.06.2017 has been received and as per this report, there are two accused persons i.e. petitioner-Lokesh Mehta and one Sandeep Sahota, whose whereabouts are not known to him. The trial Court has further reported that complainant-Gurpreet Singh has acknowledged the compromise Ex.CX and made a statement that he has recovered the entire amount from accused-Lokesh Mehta and he does

not want to pursue the case against both accused persons. Similar statement has been made by the petitioner in the compromise matter with the complainant.

A perusal of the FIR shows that it was a money dispute between the parties which has been solved and both the parties have entered into a compromise and the amount stands paid to the complainant and the parties have decided that they will not initiate any legal proceeding against each other in future.

Learned State counsel has not disputed that the parties have entered into a compromise and have no objection, in case, the same is quashed.

As per the Full Bench judgment of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, wherein it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court deem it appropriate that the same was required to prevent the abuse of the process of Court or to otherwise secure the ends of justice and this power of quashing is not confined to matrimonial disputes alone.

Perusal of the allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative judgment passed by Hon'ble the Supreme Court of India in ***"Gian Singh vs State of Punjab and another", 2012(4) R.C.R. (Criminal) 543***, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of

law and it is expedient and in the interest of justice that criminal proceedings are put to an end as the parties have arrived at a compromise and have decided to live in peace.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, the present petition is allowed. FIR No.121, dated 29.06.2015, under Sections 406, 420 IPC and 66(c) of Information and Technology Act, registered at Police Station Navi Baradari, District Jalandhar, on the basis of compromise and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioner-Lokesh Mehta, subject to payment of costs of Rs.5,000/- to be deposited in District Legal Services Authority, Jalandhar.

(ARVIND SINGH SANGWAN)
JUDGE

24.01.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No