

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

**CRM-M No.27975 of 2017
Date of Decision : 09.01.2018**

Pritpal Singh Dhillon and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. J.S. Thakur, Advocate
for the petitioners.

Mr. Luvinder Sofat, Asstt. Advocate General, Punjab
for respondent No.1-State assisted by
H.C. Kuljinder Singh.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are the accused persons in F.I.R No.56, dated 6th November, 2014 under Sections 406, 420 of the Indian Penal Code, registered at Police Station Dhilwan, District Kapurthala (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom, on the basis of compromise.

2. On 3rd August, 2017, this Court had directed the Ld. Trial Court/Illaqa Magistrate for recording the statements of the petitioners and respondents (complainants) in view of the prayer

for quashing the FIR on account of the compromise stated to have been arrived at between them.

3. The Ld. Judicial Magistrate 1st Class, Kapurthala in letter No.154, dated 3rd October, 2017 has reported that the statements of both the complainants namely Harnek Singh and Rajpal Singh apart from those of Station House Officer Police Station Dhilwan and Ex. MC were recorded. However, statements of both the present petitioners, who are accused persons in the concerned FIR could not be recorded as both of them are admittedly residents of Canada.

4. Perused the statements of the complainants recorded by the Ld. Judicial Magistrate 1st Class, Kapurthala. The statements between the parties appear to be genuine. Offences imputed in the FIR are all financial in nature.

5. In the given circumstances, this Court in exercise of its inherent power under Section 482 of the Cr.P.C. with a view to prevent misuse of the process of Court in such a situation when the dispute between the concerned parties has been amicably resolved, is inclined to allow the present petition. The fact that statements of the petitioners/accused persons could not be recorded on account of their being based outside the country becomes inconsequential in view of the fact that the complainants themselves do not have

any further grievance against those petitioners. Similarly pendency of the PO proceedings against the present petitioners in the given circumstances can also not fatal the inherent power of this Court in the interest of wider justice.

6. As such, in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainants have themselves compromised the dispute with the petitioners/accused persons.

5. In the circumstances, the present petition is allowed. F.I.R No.56, dated 6th November, 2014 under Sections 406, 420 of the Indian Penal Code, registered at Police Station Dhilwan, District Kapurthala (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed *qua* the present petitioners.

January 09, 2018

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

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