

CRM-M-38463-2016

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

CRM-M-38463-2016

Date of Decision: 27.02.2018

Rajwinder Singh Saini

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Petitioner (Rajwinder Singh Saini) is present in person along with
Mr. Abhishek Gupta, Advocate.

Mr. J.S. Walia, Sr. D.A.G., Punjab.

None for respondents no. 2 to 4.

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed by the complainant himself, seeking quashing of the FIR registered at his instance, i.e. FIR No. 124 dated 13.12.2012, registered at Police Station Chamkaur Sahib, District Rupnagar, alleging therein the commission of offences punishable under Sections 420/467/468/471/120-B IPC, in view of the fact that he has compromised the matter with the accused, who have been arrayed as respondents no. 2 to 4 in this petition.

Though a reply has been filed on behalf of respondent no. 1, i.e. the State of Punjab, by the Deputy Superintendent of Police, Sri Chamkaur Sahib, stating therein that the offences alleged to have been committed being "heinous and serious offences", the FIR cannot be quashed, however, this Court directed the parties, i.e. the petitioner and respondents no. 2 to 4, in the circumstances, vide its order dated 10.10.2017, to appear before the learned trial Court where the trial was

ongoing, to get recorded their statements in terms of the compromise, with that Court directed to send its report regarding the genuineness of the compromise to this Court.

Pursuant thereto, the report of the learned Judicial Magistrate Ist Class, Rupnagar, has been received, stating therein that the petitioner, i.e. the complainant Rajwinder Singh Saini, appeared through his Special Power of Attorney Jagdev Singh, i.e. his brother, and suffered a statement that the compromise has been effected of his own free will and consent.

Similarly, two of the accused, Harjit Singh and Sajjan Singh, i.e. respondents no. 2 and 3 herein, also appeared before that Court and suffered the same statements.

Respondent no. 4, i.e. Mohan Singh, also 'originally' an accused, did not appear before the learned trial Court and consequently, his statement has not been recorded. However, today, the petitioner, Rajwinder Singh Saini, son of Shri Jagir Singh Saini, is personally present in Court and by way of proof of identity has produced his passport.

Upon a query from the Court, he has stated that he has compromised the matter with all the accused, including respondent no. 4, Mohan Singh and that he has no dispute left with them.

Consequently, that being so, even though the State has opposed the quashing of the FIR, the person who was allegedly duped, i.e. Rajwinder Singh Saini, having himself filed this petition seeking quashing of the FIR, and having made a statement before this Court, I see no reason to continue with the criminal proceedings against respondents no. 2 to 4, especially further because no other criminal cases are said to be registered against them.

Hence, the petition is allowed and FIR No. 124, dated 13.12.2012, registered at Police Station Chamkaur Sahib, District Rupnagar, alleging therein the commission of offences punishable under Sections 420/467/468/471/120-B IPC, along with all proceedings emanating therefrom, is hereby quashed.

February 27, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.