

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

**CRM-M No.8722 of 2019
Date of Decision: 12.07.2019**

BHUPINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.P.S. Duggall, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Ms. Manpinder Kaur, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0283 dated 05.11.2018, under Sections 420 and 406 of the Indian Penal Code, registered at Police Station City Jagraon, District Ludhiana(Rural) along with all consequential proceedings arising therefrom on the basis of compromise entered into between the parties i.e. petitioner as well as respondent No.2.

As per the allegations in the FIR, the complainant-respondent No.2

was doing the business of sale and purchase of property. The complainant-respondent No.2 and petitioner established a company in the year, 2012 under the name and style of Brothers Enterprises, in which petitioner was having $\frac{1}{2}$ share, whereas half of the remaining share was of complainant as well as his brother. On 15.05.2015, complainant and petitioner settled all the accounts regarding property dispute in writing on simple paper, which contained types, value and location of the same. It was also written that half of the share shall be of complainant-respondent No.2 and remaining half of petitioner. After this, petitioner played fraud with complainant-respondent No.2 and sold the joint property to someone else and misappropriated the amount. When complainant-respondent No.2 asked regarding accounts, then petitioner started threatening him and he always carried a pistol with him. On 23.06.2015, petitioner sent his driver and called the complainant in the office. It was around 1-2 o'clock, petitioner told the complainant to sign on some blank papers, but complainant refused to do, then, petitioner attacked him with paper weight, put the pistol on his temple; also gave threats, made him to sit forcibly in his vehicle and compelled to smell something that made him unconscious. After this, petitioner took the complainant to Mahal Kalan, where the petitioner had already purchased the stamp papers of Rs. 2000/- in his name and by threatening the complainant, petitioner forced him to sign the blank stamp papers. Later on complainant-respondent No.2 came to know that petitioner and his son got his signatures on the stamp papers dated 23.06.2015 and prepared an agreement regarding the Kothi of the complainant with full payment with an intention to cheat and to take possession of the same. Petitioner and his son committed fraud with the complainant and mentally harassed him as well as his family members

and caused huge economic loss.

Heard learned counsel for the parties and perused the paper book.

On 26.02.2019, while issuing notice of motion the following order was passed by this Court:

“ This petition has been filed for quashing of FIR No.283 dated 05.11.2018, registered at Police Station City Jagraon, District Ludhiana (Rural), under Sections 420, 406 IPC, on the basis of compromise.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of the State of Punjab. Let two copies of the petition be supplied to him during the course of the day. Ms. Manpinder Kaur, Advocate, puts in appearance and accepts notice on behalf of respondent No.2.

The parties are directed to appear before the trial Court/Illaqa Magistrate on 08.04.2019 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Illaqa Magistrate shall send a report to this Court regarding the genuineness of the compromise between the parties well before the next date of hearing.

Adjourned to 12.07.2019.”

In terms of above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate, Jagraon and submitted a report dated 09.04.2019. The operative part of the same reads as under:-

'... After going through the statements of the parties, this Court is satisfied that complainant Anil Jain has effected compromise with the above named accused with his own free will and without any coercion or pressure from any corner and same is found to be genuine.”

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as

proclaimed offender in this case.

On instructions from ASI Rajvinder, learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of the above, this Court is fully convinced that offences are entirely personal in nature and no **public funds** are involved, thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner.

July 12, 2019

rashmi

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>