

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

CRM-M No.17617 of 2015 (O&M)

Date of decision: 27.09.2019

Arun Bajaj

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Chadan Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. A.S. Gill, Advocate
for the applicant/respondent No.3.

ARVIND SINGH SANGWAN J.

CRM No.28585 of 2015

Prayer in this application is for impleading the applicant
Jasbir Singh Johal as respondent No.3.

Heard.

For the reasons stated in the application, the same is
allowed and the applicant – Jasbir Singh Johal is ordered to be
impleaded as respondent No.3.

CRM-M No.17617 of 2015 (O&M)

Prayer in this petition is for quashing of FIR No.183 dated
07.12.2012 registered under Sections 420 of the Indian Penal Code (in
short 'IPC') Indian Penal Code,1860 (in short 'IPC'), 82 of the Indian
Registration Act and 47-A of the Indian Stamp Act, 1899, at Police

Station Navi Baradari, Jalandhar, District Jalandhar (Annexure P-3).

As per the allegations in the FIR, the respondent No.3 moved a complaint before the Registrar with the allegations that the petitioner has executed a sale deed dated 27.08.2003 and by showing it to be a non-commercial property, he has evaded the payment of the stamp duty meant for commercial property. Upon which, the Tehsildar recommended for registration of an FIR under Sections 82 of the Indian Registration Act read with Section 420 IPC.

This petition was filed in the year 2015 and while issuing notice of motion on 27.05.2015, it was observed as under:-

*“Learned counsel for the petitioner states that two sale deeds were executed on 27.08.2003 in respect of two pucca shops and house measuring 3 marlas 67½ square feet in Jalandhar. No reference was made by the office of Sub-Registrar at the time of registration of aforesaid sale deeds in terms of Section 47-A of Indian Stamp Act. It is only after lapse of 8 years, the complainant has filed some complaint in respect of commercial nature of property and cognizance was taken by the Collector, directing the Sub-Registrar to initiate proceedings under Section 82 of Indian Registration Act. Resultantly, FIR No.183 dated 07.12.2012 was registered for the offence under Section 420 IPC read with Section 82 of Indian Registration Act and Section 47-A of Indian Stamp Act. Against the order passed by the Collector, petitioner approached the Commissioner, who remanded the case back to Collector after staying proceedings under Section 82 of the Indian Registration Act. Against the said order passed by Commissioner, Jalandhar Division, Jalandhar, complainant Jasbir Singh Johal filed **CWP No.5999 of 2013** which was allowed and order passed by*

Commissioner was set aside to the extent of staying prosecution under Section 82 of Indian Registration Act.

*Against the aforesaid order dated 13.10.2014 passed by Ld. Single Judge, petitioner filed **LPA No.1890 of 2014** which was allowed vide order dated 08.01.2015.*

Learned counsel further states that as on date the order of Commissioner is still intact and in view of this position the proceedings pending before the Collector and subsequent registration of FIR are abuse of process of law.

Notice of motion for 21.07.2015.

Meanwhile, any investigation done would be subject to decision of the present petition.”

Thereafter, the applicant – Jasbir Singh Johal moved an application for being impleaded as a party in the present petition.

During the pendency of the present petition, the case was referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of some amicable settlement and as per the settlement/agreement arrived at between the parties, the Mediator has submitted a report that the parties have amicably settled the dispute with the following terms and conditions:-

“5. After discussing the matter, the parties have decided to amicably settle the dispute and the terms and conditions for the same are being reduced in writing as under:-

i) That the parties have decided that second party shall not pursue the present FIR No.183 dated 07.12.2012 under Section 420 of IPC read with Section 82 of the Indian Registration Act, 1908 and Section 47 of the Indian Stamp Act, 1899, P.S. Navi Baradari, Jalandhar.

ii) That the second party has agreed that he has no objection if the present FIR be quashed and

willfully co-operate during the quashing proceedings before the Hon'ble High Court.

iii) That both the parties have further undertaken not to file any other case against each other or their family members.”

Counsel for the petitioner has argued that in the intervening period, the petitioner has challenged the proceedings initiated against him under Section 47-A of the Indian Stamp Act and the Collector vide order dated 18.12.2015 (Annexure P-9) dropped the proceedings holding that the same are barred by the law of limitation.

Counsel appearing for respondent No.3 has acknowledge that a compromise dated 14.07.2017 has been arrived at between the parties including the petitioner and respondent No.3/complainant, Jasbir Singh Johal along with some other persons and the compromise not only relates to the present litigation but also to some other civil and criminal litigation pending at different Courts and the parties have decided to end the entire litigation.

Counsel for the State has, however, on the basis of the affidavit of the Assistant Commissioner of Police, Central Jalandhar has opposed the prayer on the ground that after the enquiry was conducted, the FIR was registered. Counsel for the State further disputed the fact that subsequently the Collector has dropped the proceedings under Section 47-A of the Indian Stamp Act holding that the same is time barred.

After hearing the counsel for the parties, it is apparent that initially a complaint was given by respondent No.3 – Jasbir Singh Johal to the Sub-Registrar Jalandhar, who recommended for registration of

the present FIR with the allegation that while executing a sale deed, the petitioner – Arun Bajaj by not showing the property as commercial property has evaded the stamp duty and therefore, the FIR was registered under Section 82 of the Indian Stamp Act, as well.

It is also not disputed that the proceedings initiated under Section 47-A of the Indian Registration Act, have been dropped by the Collector holding that the same is time barred and the order dated 18.12.2015 passed by the Collector has attained finality.

A perusal of the compromise dated 14.07.2017 show that 03 persons from the side of the petitioner and 02 persons from the side of respondent No.3, have effected a compromise in which they have decided to bury their civil and criminal litigation pending in different Courts and even, with regard to the present petition, it has been stated that the complainant has no objection if the present FIR is quashed.

A perusal of the report submitted by the Mediator also show that the compromise is valid and the terms and conditions have already been settled.

In view of the above, considering the compromise dated 14.07.2017, the settlement/agreement arrived at between the parties before the Mediator and also in view of the order dated 18.12.2015 (Annexure P-9) passed by the Collector, vide which the proceedings have been dropped against the petitioner holding that the same is time barred, formed the basis for registration of the FIR, I am of opinion that no purpose will be served in continuing with the prosecution of the petitioner in the present FIR.

Accordingly, the present petition is allowed and FIR

No.183 dated 07.12.2012 registered under Sections 420 IPC, 82 of the Indian Registration Act and 47-A of the Indian Stamp Act, 1899, at Police Station Navi Baradari, Jalandhar, District Jalandhar, is hereby quashed.

(ARVIND SINGH SANGWAN)
JUDGE

27.09.2019
yakub

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