

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

CRM-M No. 45103 of 2017
Date of decision : May 13, 2019

Sukhdev Singh and others

..... Petitioners

v.

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Jagjit Singh, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG Punjab

Mr. NS Dadwal, Advocate
for respondent No.2.

Ajay Tewari, J (Oral)

Prayer in the present petition, filed under Section 482 of the Cr.P.C, is for quashing of FIR No.02, dated 4.3.2016, registered under Sections 420, 467, 468, 471, 120-B, 419, 465 of the IPC and Sections 13(1) (d) read with 13(2) of the Prevention of Corruption Act, at Police Station Vigilance Bureau, Jalandhar on the basis of a compromise, arrived at between the parties.

As per allegations, the property of respondent No.2-Sarabjit Singh was sold by way of impersonation. Ultimately, both the parties settled the dispute and applied for quashing of the FIR on the basis thereof.

Learned Sr. DAG Punjab has, however, contended that in this case, there are allegations under the Prevention of Corruption Act (for short “the Act”) against petitioner No.2 and, therefore, this FIR cannot be quashed. Counsel for the petitioners has argued that allegations under the Act are not made out. Merely because petitioner No.2 is the Nambardar and witness of the sale deed, he cannot be said to have misused his public office. Elaborating the argument further, counsel for the petitioners has asserted that it is not even the case of the State that petitioner No.2 identified the alleged impostor and, therefore, invocation of the provisions of the Act is completely illegal. Learned Sr. DAG Punjab, on instructions from Inspector Lakhwinder Singh, Vigilance Bureau, has accepted the factual assertion that in the impugned sale deed (or the suspect sale deed), petitioner No.2 has appended his signatures only as a witness and he is not shown as a person who has identified the alleged impostor.

I agree with the argument of counsel for the petitioners that provisions of the Act have been wrongly invoked. Once that is behind us, the issue of compromise can be taken up.

Pursuant to the order of this Court dated 30.11.2017, report dated 5.3.2018 from the Additional Sessions Judge, Kapurthala has been received attesting to the fact that the matter has been compromised between the parties.

Counsel for the parties have stated that in fact the matter has been compromised between the parties amicably. Counsel for the State of Punjab has also confirmed this fact and states that there is no other case pending between the parties.

In **Gian Singh v. State of Punjab and another**, reported as 2012(4) RCR(Criminal) 543, the Supreme Court has discussed in detail the inherent powers of the High Court in quashing criminal proceedings or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on the society.

In view of the above judicial pronouncement I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, the present petition is allowed and FIR No.02, dated 4.3.2016, registered under Sections 420, 467, 468, 471, 120-B, 419, 465 of the IPC and Sections 13(1)(d) read with 13(2) of the Prevention of Corruption Act, at Police Station Vigilance Bureau, Jalandhar, and all subsequent proceedings, emanating therefrom, are quashed qua the petitioners.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 13, 2019
'kk'

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No