

CRM-M-8058-2019 (O&M)

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

**CRM-M-8058-2019 (O&M).
Decided on: February 28, 2020.**

Kulwant Singh @ Titu

.. Petitioner

VERSUS

State of Punjab and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Atul Goyal, Advocate,
for the petitioner.**

Mr.Sarabjit Singh Cheema, AAG, Punjab.

**Ms.Jasmeen, Advocate,
for complainant – respondent No.2.**

JASGURPREET SINGH PURI, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C.
is for quashing of F.I.R. No.356 dated 29.11.2018, under Sections 420,
465, 468 and 471 IPC, registered at Police Station Division No.7, District
Police Commissionerate, Ludhiana (Annexure P1) and all subsequent
proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that

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present FIR pertains to a dispute with regard to business transactions between the petitioner and complainant – respondent No.2 which has resulted in the lodging of present FIR. He has further submitted that the matter was amicably resolved between the petitioner and complainant – respondent No.2 and therefore, relying upon compromise Annexure P2, he prays for quashing of the FIR.

On 22.02.2019, a Coordinate Bench of this Court while issuing notice of motion had directed the parties to appear before the Illaqa Magistrate/trial Court on 14.03.2019, for getting their statements recorded and it was further directed that after recording of the statements, the learned Illaqa Magistrate/trial Court shall send a report to this Court.

In pursuance to above order, a report has been received from the learned Judicial Magistrate First Class, Ludhiana, wherein, it has been stated that on 14.03.2019, complainant Karan Kochar and accused Kulwant Singh @ Titu, had come present before the learned Judicial Magistrate First Class, Ludhiana and got their statements recorded that that matter has been amicably settled and compromised between the complainant and the accused and that the compromise is genuine, voluntary and without any undue influence and coercion and that they have no objection in case the FIR is quashed.

Learned Judicial Magistrate First Class, Ludhiana, has further concluded as under:-

(i) Statement of the parties are bona fide and are not result of pressure or coercion etc. in any manner.

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(ii) Compromise effected between the parties is genuine and valid.

(iii) Karan Kochar is complainant and Kulwant Singh @ Titu as accused and they are party to the compromise. There is no other affected person in this FIR.

(iv) In view of statement of the parties and from report of Ahlmad that as per CID entries, no other case is pending between the parties at Ludhiana.

(v) In view of the report of Ahlmad and statement of accused, none of the person is proclaimed offender.

(vi) In view of the statement of parties and from report of Ahlmad that as per CIS entries, none are previous convict.

No reply either on behalf of respondent No.1 – State or complainant – respondent No.2 has been filed in the present case.

Learned State counsel, on instructions, submits that the State has no objection in case the FIR in the present case is quashed because it is not such a case which falls under the category of heinous and serious crime.

After hearing the learned counsel for the parties and after purusing the report submitted by the learned Judicial Magistrate First Class, in compliance of the directions issued by this Court, I am of the considered opinion that since the matter has been amicably compromised between the parties and it is not a case where it can be termed as serious or henious crime, no useful purpose would be served in case the litigation

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is lingered on. It is a settled law that in case the offence does not fall within the category of serious and heinous crime, then according to the facts and circumstances of the case, the FIR can be quashed on the basis of compromise.

Thus, following the judgment in Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052 as well as Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this petition is allowed and F.I.R. No.356 dated 29.11.2018, under Sections 420, 465, 468 and 471 IPC, registered at Police Station Division No.7, District Police Commissionerate, Ludhiana (Annexure P1) and all subsequent proceedings arising therefrom on the basis of compromise are quashed qua the petitioner only on the basis of compromise.

February 28, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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