

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

CRM-M-32753-2020 (O&M)

Date of decision : 16.12.2020

Inder Mohan Dewan and another

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. A.S. Talwar, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Damaninder S. Jaijee, Respondent No.2 in person.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 14.10.2020, the following was passed:-

“Heard through Video Conferencing.

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0268 dated 10.08.2020 under Sections 379, 406, 420, 427 and 506 of the Indian Penal Code, 1860 registered at Police Station, Sohana, SAS Nagar (Annexure P-1), in view of the compromise dated 28.09.2020 (Annexure P-2).

Learned counsel for the petitioners has contended that the present FIR was a result of dispute regarding transfer of ownership of Land Cruiser vehicle by the petitioners to respondent No.2. The allegations in the FIR were that the petitioners, after the sale of the vehicle and after receiving total consideration, were not cooperating in the process of transfer of ownership. He has further contended that the

parties have now entered into a compromise, which has been appended with the petition as Annexure P-2, and all disputes stand settled. He further relies on the judgment of this Court in Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR 1052 to contend that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC to quash the proceedings to prevent abuse of law and secure the ends of justice.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior DAG, Punjab has put in appearance through video conferencing (VC) and accepts notice on behalf of the respondent-State and Mr. Damaninder Singh Jaijee, respondent No.2/complainant, has joined the VC session in person and has stated that the parties have reached a compromise and a compromise deed dated 28.09.2020 has been annexed with the petition as Annexure P-2. He further states that he has no objection if the present FIR is quashed as all disputes between the parties stand resolved.

Adjourned to 16.12.2020.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 02.11.2020, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the settlement/compromise dated 28.09.2020 has been freely entered into by the parties without any undue influence, coercion or pressure of any kind.*

- 2) *Whether any other criminal cases are pending against the parties.*
- 3) *Whether the proclamation proceedings are pending against either of the parties.”*

Pursuant to the order dated 14.10.2020, the statements of the parties were recorded by the Civil Judge Junior Division-cum-JMIC and a report dated 02.11.2020 has since been received wherein it has been stated that the compromise arrived at between the parties is genuine and without any pressure or coercion. It has further been stated in the report that none of the accused has been declared as proclaimed offender and there is no other litigation except the present one pending against the parties.

Learned counsel for the petitioners has referred to the law laid down by this Court in “**Kulwinder Singh & Ors. Vs. State of Punjab & Anr.**” 2007 (3) RCR (Criminal) 1052, wherein it has been held that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC to quash the proceedings to prevent abuse of law and secure the ends of justice.

In view of the above and keeping in view the report by the Trial Court that the parties have genuinely entered into a compromise and all the disputes between the parties have been resolved, it would not be in the interest of justice to continue the criminal proceedings.

Resultantly, FIR No.0268 dated 10.08.2020 under Sections 379, 406, 420, 427 and 506 of the Indian Penal Code, 1860 registered at Police Station, Sohana, SAS Nagar (Annexure P-1), stand quashed.

The petition is accordingly allowed.

16.12.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO