

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

CRM-M-9294-2020 (O&M)

Date of decision: 01.04.2021

Gurdeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ajay Arora, Advocate for the petitioners.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Petitioner – Gurdeep Singh has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.81 dated 09.08.2018, for offences under Sections 406 and 420 IPC, registered at Police Station City-1, Mansa against him, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainants Harbans Singh, Jagdeep Singh, Iqbal Singh, Kiranpal Kaur, Beant Singh, Gurpreet Singh and Resham Singh-arrayed as respondents No.2 to 8 respectively.

Briefly stated the prosecution story is that, respondents No.2 to 8, namely Harbans Singh, Jagdeep Singh, Iqbal Singh, Kiranpal Kaur, Beant Singh, Gurpreet Singh and Resham Singh had submitted a written complaint to Senior Superintendent of Police, Mansa for taking action against Gurdeep Singh, Proprietor Enginer Jeweller, Gurudwara chowk,

Mansa, Kishan Singh, Proprietor Kishna Jeweler, Aarti Verma, Lucky Chai Wala, back side Babu Halwai, Anaj Mandi, Mansa on the allegations of cheating inasmuch as they had received old gold ornaments from complainants for preparing new gold ornaments without actually doing so; after receipt of complaint, probe in the matter was conducted and Kishan, Aarti Verma, Lucky Chai Wala were found to be innocent, whereas involvement of Gurdeep Singh was came out to be there; formal FIR in the matter was registered; investigation in the case started; Gurdeep Singh is said to have joined the investigation and granted pre-arrest bail.

Ld. State counsel, on instructions from ASI Dalel Singh, states that case is at the stage of investigation. The parties have statedly arrived at compromise.

Vide order dated 15.02.2021, in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and the Magistrate was directed to send a report to this Court.

Report has been received from Chief Judicial Magistrate, Mansa, in terms of which complainants Harbans Singh, Jagdeep Singh, Iqbal Singh, Kiranpal Kaur, Beant Singh, Gurpreet Singh and Resham Singh and accused, namely, Gurdeep Singh, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any pressure, undue

influence, coercion or fear. Further, the complainants have stated that they have no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the report statement of the complainants and the accused, have been annexed.

I have heard learned counsel for the parties besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and Anr. 2007 (3) RCR (Criminal) 1052**, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can affect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and

ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.

01.04.2021
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No