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

CRM-M-30507-2020

Date of decision: 04.03.2021

Gurcharan Singh and others

... Petitioners

Versus

U.T. Chandigarh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gursimran Singh Madaan, Advocate,
for the petitioners.

Mr. Rajiv Vij, Addl. P.P., U.T., Chandigarh.

Mr. Ramandeep Singh, Advocate,
for the respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.176 dated 27.08.2020 under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station South Sector 34, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of family settlement/compromise deeds dated 16.09.2020 (Annexure P-2) and 17.09.2020 (Annexures P-3 and P-4).

This Court vide order dated 02.02.2021 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.02.2021 to the effect that the compromise effected between the parties is without any pressure, coercion or threat.

Respondent No.2-complainant, namely, Parminder Kaur, made her statement with regard to compromise before learned Magistrate on 16.02.2021. The same is reproduced as under:-

“Stated that the present FIR bearing No.0176 dated 27.08.2020, under Section 420, 467, 468, 471 and 120-B of IPC registered at Police Station, Sector 34, UT, Chandigarh against the accused persons namely Gurcharan Singh, SP Singhal, Harmit Singh, Ishwar Singh Batra, Inderjijt Singh and Ravinder Singh. Now I have compromised the matter in writing with two accused persons namely Gurcharan Singh and Harmit Singh as per compromise deed Ex. P2, P3 and P4 as placed on record in the Court today and rest of the four accused persons namely SP Singhal, Ishwar Singh Batra, Inderjit Singh and Ravinder Singh, I have compromised orally. I have entered into the said compromise with my own free will without any coercion or any pressure and today I have given my statement voluntarily, without any pressure or coercion. I have no objection if FIR bearing No. 0176 dated 27.08.2020, under Section 420, 467, 468, 471 & 120-B of IPC registered at Police Station, Sector 34, UT, Chandigarh, be quashed qua the above said accused. Copy of my identity card is Ex.P1. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party. In this case, challan has not been presented till today. The present case was registered against accused persons above mentioned. There is no cross case filed against me.”

Learned counsel for the petitioners submits that petitioners No.1 and 3, namely Gurcharan Singh and Harmeet Singh are real brother of respondent No.2-complainant, namely, Parminder Kaur and it is inter-se dispute between them regarding some property. The petitioners No.2, 4 and 5 are not beneficiary in the property, rather they are the witnesses of the Wills allegedly executed by late Pritam Singh, who was father of petitioners No.1 and 3 and respondent No.2. He further submits that there is another accused in the FIR namely S.P. Singhal who is about 93 years of age and not petitioner herein.

Learned State counsel and learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

Thus, without making any observation as regards the legality or illegality of the Wills allegedly executed by late Pritam Singh but considering the fact that parties have compromised the matter with their own consent and following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and F.I.R. No.176 dated 27.08.2020 under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station South Sector 34, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners, on the basis of family settlement/compromise deeds dated 16.09.2020

(Annexure P-2) and 17.09.2020 (Annexures P-3 and P-4), however, that would be subject to payment of costs of Rs.25,000/- to be paid by the petitioners to the Bar Association of this Court within a period of one month from today.

(HARI PAL VERMA)
JUDGE

March 04, 2021
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Whether speaking/reasoned?	Yes
Whether reportable?	No