

CRM-M-25223-2021

Reserved on : 16.11.2021

Pronounced on : 05.01.2022

Mandeep Singh and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chanakya Batta, Advocate for the petitioners.

 Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

 Mr. Shailender Singh Saini, Advocate for the complainant.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
0066	30.05.2019	Satnampura, District Kapurthala	420 IPC

The petitioners, who have been arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC to quash the FIR and all consequential proceedings based on the compromise with the victims.

2. The gist of the allegations against the petitioner(s) is that on 15.06.2018, the complainant (respondent No.2) gave a written complaint to SSP, Kapurthala, in the following terms:-

He stated that the Mandeep Singh, Paramjit Singh and Navneet Kaur (present petitioners) have duped him for a Rs.3 lacs. It is alleged that the complainant was

looking for a property in Village Mehra to open a gymnasium. While doing so he had contacted with one Gursharan Singh who is a property dealer. The said property dealer introduced the complainant with Mandeep Singh (petitioner No.1). He represented that he has property of 4400 sq. ft. Subsequently he represented Paramjit Singh (petitioner No.2) and his sister Navneet Kaur (petitioner No.3) who has joint ownership and that they have right to lease the property. It is also represented that the property is clear for commercial use and they have also paid the change of land user charges and the property is duly approved by PUDA. On such assurance, the complainant agreed to take this property on a monthly rent of Rs.one lac. Subsequently they also handed over another sum of Rs.2 lacs and 22 blank cheques of Rs.45,000/-each without any date, which were also given as security. When the complainant decided to start construction then he came to know that the construction is not permissible on the said property as it is not approved by PUDA. At that stage they kept on befooling them because of their political relations. On being cheated Rs.3 lacs and 22 blank cheques, the complainant filed the complaint. On the basis of said allegations, police registered the FIR captioned above.

3. During the pendency of the petition, the accused and the injured have compromised the matter, and its copy is annexed with this petition as **Annexure P-2**. After that, the petitioners have come up before this Court to quash the FIR, and in the quashing petition, the injured have been impleaded as respondent(s).

4. On the prayer of the parties, the Court had permitted the parties to appear before the concerned Court to record their statements. As per the concerned Sessions Court's report, the victim(s), without any threat, consented to the quashing of FIR and consequent proceedings.

ANALYSIS & REASONING:

5. As per report of JMIC, Phagwara, statement of the complainant as well as all the concerned parties, has been recorded and the complainant has no objection if the present FIR is quashed. Compromise effected between the parties is with their free will, without any pressure or coercion or undue influence.

6. The following aspects would be relevant to conclude this petition: -

- a) The accused and the private respondent(s) have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;
- b) A perusal of the documents reveal that the settlement has not been

secured through coercion, threats, social boycotts, bribes, or other dubious means;

c) The victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;

e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;

f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, habitual, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family and society;

i) The ends of justice would justify the exercise of the inherent power by quashing the FIR and the consequent proceedings.

7. In the present case, the offence under section 420 IPC is compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

8. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon'ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

9. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon'ble Supreme Court holds "[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated."

10. In the facts and circumstances peculiar to this case, the petition is allowed in the aforementioned terms. The FIR and other proceedings captioned above, with all

consequential proceedings arising therefrom, are hereby quashed qua the present petitioners. The bail bonds of the petition are accordingly discharged. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

05.01.2022

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Whether speaking/reasoned: Yes
Whether reportable: No