

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

**CRR No.2445 of 2017 (O&M)
Date of Decision : 22.11.2022**

Vijay Kalra

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vishal Rattan Lamba, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. Advocate General, Haryana
for the respondent-State.

PANKAJ JAIN, J.

Present revision petition has been preferred against the judgment passed by Additional Sessions Judge, Hisar whereby the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 4th of December, 2014 passed by the Judicial Magistrate 1st Class, Hisar has been affirmed holding petitioner guilty in case FIR No.183 dated 7th of April, 2008 registered for the offences punishable under Sections 420/406/467/468/471/120-B IPC, Police Station Civil Lines, Hisar.

2. As per the case of prosecution, Vinod Bansal forged Conveyance Deed, Ex. PW3/A and defrauded complainant Rameshwar Dass Lawat by obtaining loan of Rs.5.00 lacs. It has been claimed that petitioner Vijay Kalra though not beneficiary but acted in connivance with

other accused(s) and assured the complainant that the property was free from all encumbrances. However, it was later on found that the property was already attached with the State Bank of India in a recovery and was about to be auctioned. It was subsequently found by the complainant that Conveyance Deed deposited by the accused with the complainant did not tally with the original one and was a forged document. The Trial Court convicted the petitioner along with other accused(s) holding him guilty of having connived with them and sentenced all of them as under :

Offence	Imprisonment	Fine	Imprisonment in default of payment of fine
420 IPC	To undergo Rigorous Imprisonment for two years	Rs.500/- each	To undergo Simple Imprisonment for 15 days
467 IPC	To undergo Rigorous Imprisonment for two years	Rs.500/- each	To undergo Simple Imprisonment for 15 days
468 IPC	To undergo Rigorous Imprisonment for two years	Rs.500/- each	To undergo Simple Imprisonment for 15 days

3. All the sentences were ordered to be run concurrently.
4. Ld. Counsel for the petitioner submits that the principal accused and the complainant have already reconciled their differences and have settled the matter. On the strength of such settlement, the proceedings against co-accused(s) Manju Bansal and Ekta Bansal already stand quashed by this Court vide order dated 15th of January, 2018 passed in CRR No.2475 of 2017 and the other accused namely Vinod Bansal has died during the pendency of the proceedings. He, thus, submits that keeping in view the

fact that the alleged beneficiary and the complainant having already compromised the matter and the proceedings having been ordered to be quashed, the proceedings against the petitioner, who was merely convicted by taking aid of Section 120-B IPC that too in the absence of any material allegation *qua* him, cannot be sustained.

5. Ld. State Counsel does not dispute the aforesaid facts.

6. I have heard Ld. Counsel for the parties and have gone through the records of the case.

7. In CRR No.2475 of 2017, this Court allowed the petition filed by Manju Bansal and Ekta Bansal, the main accused(s) holding as under :-

“In this petition, the petitioners, who are accused in F.I.R. No. 183, dated 07.04.2008, under Sections 420/406/467/468/471/506/ 120-B of the Indian Penal Code, registered at Police Station Civil Lines, Hisar, have prayed for quashing of F.I.R. with all subsequent proceedings, as also the judgment of conviction and order of sentence, dated 04.12.2014, passed by the Court below, i.e. Judicial Magistrate Ist Class, Hisar, and order dated 05.07.2017 of Ld. Additional Sessions Judge, Hisar, thereby dismissing the appeal on the basis of compromise.

[2]. The petitioners were convicted of the offences under Sections 420/467/468/471 of the Indian Penal Code and were sentenced accordingly. Their appeal against such judgment of conviction was also dismissed. Thereafter, the instant petition has been filed, since the parties concerned have arrived at a settlement. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Judicial Magistrate Ist Class, Hisar, vide report dated 20.09.2017, has apprised this Court that the compromise arrived at between the

parties is genuine and without any pressure.

[3]. Respondent No. 2 is represented by his Counsel and he does not oppose the compromise.

[4]. In view of the report of the Judicial Magistrate Ist Class, Hisar, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

[5]. In the circumstances and in view of the decisions of the Supreme Court in “Gulab Das Vs. State of M.P.”, 2012 (1) R.C.R. (Criminal) 220 and “Mukesh Kumar Vs. State of Rajasthan”, 2013 (11) S.C.C. 511, while sustaining conviction of the petitioners for the offences under Sections 420/467/468/471 of the Indian Penal Code, the matter is disposed off with a direction that no further sentence needs to be suffered by them nor any fine needs to be paid, apart from the sentence already undergone by them. F.I.R. No. 183, dated 07.04.2008, under Sections 420/406/467/468/471/506/120-B of the Indian Penal Code, registered at Police Station Civil Lines, Hisar, and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the present petitioners.”

8. Keeping in view the aforesaid facts, the present revision petition is allowed. Proceedings *qua* the petitioner in FIR No.183 dated 7th of April, 2008 registered for the offences punishable under Sections 420/406/467/468/471/120-B IPC, Police Station Civil Lines, Hisar are ordered to be quashed keeping in view the fact that the matter stands settled between the main accused(s) and the complainant.

9. In view of the discussion held hereinabove, it is ordered that :

- (i) CRR No.2445 of 2017 is allowed.
- (ii) The impugned judgment/order of conviction dated 4th of December, 2014 passed by JMIC, Hisar is hereby set aside.
- (iii) Petitioner namely Vijay Kalra is acquitted of the charges that were framed against him.
- (iv) Fine, if paid, be refunded to him.

November 22, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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