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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34003-2021 (O&M)

Date of Decision:22.09.2022

Ramesh Vig

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amrit Singh Kang, Advocate, for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. S.S. Nagra, Advocate for

Mr. Vinod Kumar Kaushik, Advocate, for respondent No.2

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.18 dated 20.05.2015, under Section 420 of the Indian Penal Code, 1860, registered at Police Station City Ahmedgarh, Sangrur alongwith all other consequential proceedings, based upon compromise (Annexure P-2).

It has been submitted by the learned counsel for the petitioner the petitioner and his brother namely Sanjeev Vij were the partners of one M/s. New Kisan Seed and Pesticide, Ludhaina and the allegations in the FIR were that the complainant namely Kiranpal Singh had purchased some seeds of the value of Rs. 4,37,500/- but those seeds came out to be

defective seeds since the complainant could not get the desired results at the time of harvesting and in this way, the FIR was lodged which was a matter of pure civil dispute and which was given a criminal flavour and the FIR itself is an abuse of the process of law on the face of it. He submitted that be that as it may, the complainant namely Kiranpal Singh has already compromised the matter with the petitioner and the compromise was amicable, voluntary and without any undue influence or coercion. He further submitted that there are two accused in the present case and so far as the other accused who is brother of the petitioner is concerned, he is not in talking terms with the petitioner and he was earlier declared as a P.O and so far as the present petitioner is concerned, he was also earlier declared as a P.O. but thereafter he surrendered and he has been granted interim bail by this Court in CRM-M-18837-2021. He further submitted that vide order dated 20.08.2021 this Court had directed the parties to appear before the learned Illaqa Magistrate/trial Court for the purpose of recording of the statements. The petitioner and respondent No.2 have already got their statements recorded in pursuance of the aforesaid orders. He further submitted that the entire case is a financial dispute between the parties pertaining to alleged defective seeds and now the complainant himself has amicably settled the dispute with the petitioner, therefore, the present FIR qua the petitioner may be quashed since it does not fall in the category of serious or heinous offence and therefore, in order to secure the ends of justice, the FIR and all the subsequent thereon may be quashed based upon compromise.

Mr. Amit Rana, learned Senior Deputy Advocate General,

Punjab has submitted that it is correct that the dispute in the present case

was pertaining to defective seeds and the matter has been compromised between the parties. He has however stated that although the petitioner is not proclaimed offender as of today but the other co-accused namely Sanjeev Vij is a proclaimed offender. He further submitted that at the time of recording of the statement, the investigating officer has stated that the complainant and other persons had purchased seeds and they can also be termed as victim/complainant. However, it has been checked up from the file of the concerned police official who is present in the Court that no other person had given any kind of complaint to the police nor any other separate FIR has been lodged on their instance with regard to the present subject matter and it is only the respondent No.2 who is the complainant and who has compromised the matter.

Mr. S.S. Nagra, Advocate for appeared on behalf of Mr. Vinod Kumar Kaushik, Advocate, for respondent No.2 and has submitted that it is correct that an amicable settlement has been arrived at between the petitioner and respondent No.2 and he has no objection in case the present FIR is quashed based upon compromise.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court on 20.08.2021, the petitioner and respondent No.2 appeared before the learned Judicial Magistrate Ist Class, Malerkotla and thereafter a report has been sent by the learned Judicial Magistrate Ist Class, Malerkotla dated 03.09.2021 to this Court. A perusal of the report would show that the statement of respondent No.2- complainant was recorded who stated that the compromise effected between the petitioner and respondent No.2 is genuine, voluntary and without any coercion or undue influence and he has no objection in case

the FIR is quashed against the present petitioner and his brother namely Sanjeev Vij. The statement of the petitioner was also got recorded in this regard. Thereafter, the statement of investigating officer was recorded and on the basis of the aforesaid statement, the JMIC, Malerkotla reported that there are two accused in the present case i.e. the petitioner and his brother namely Sanjeev Vij. So far as the other co-accused namely Sanjeev Vij is concerned, he is a proclaimed offender but so far as the present petitioner namely Ramesh Vig is concerned, he was earlier declared as a proclaimed offender but thereafter he appeared on 31.03.2021 wherein he was arrested and now he is on interim bail as per the orders passed by this Court in CRM-M-18837-2021. It is further reported by the JMIC, Malerkotla that the compromise is genuine, voluntary and without any coercion or undue influence and no other FIR is pending against the present petitioner namely Ramesh Vig and also against Sanjeev Vij. It is further reported by the JMIC, Malerkotla that I.O. has suffered a statement by stating that in the present FIR only respondent No.2 is the complainant but some other persons had purchased seeds from the aforesaid petitioner and also suffered losses and they were also indirect victims.

During the course of arguments, the learned Senior Deputy Advocate General, Punjab specifically stated on instructions that so far as the other persons who purchased the seeds from the petitioner are concerned, they have not come forward for filing any complaint and therefore, this Court is of the view that it cannot be said that the persons to whom the petitioner had sold the seeds are direct/indirect victims. The prayer in the present petition is for quashing of the FIR based upon compromise but the compromise in the petition has been made by one of the accused namely

Ramesh Vig but as per the statement made by the complainant before the learned JMIC, Malerkotla, he has stated that he has no objection in case the FIR is quashed against both of them. The matter pertains to financial dispute and the same has already been settled between the parties. The present petitioner is not a P.O.

The law with regard to quashing of FIR based upon compromise is no longer *res integra*. The Hon'ble Supreme Court in “**Gian Singh Vs. State of Punjab and another**”, 2012(4) RCR (Criminal) 543, “**State of Madhya Pradesh Vs. Laxmi Narayan and others**”, 2019(2) SCC (Cri) 706 and Full Bench judgment of this Court in “**Kulwinder Singh Vs. State of Punjab**”, 2007(3) RCR(Criminal) 1052 observed that in case there is pure financial dispute between the parties and the same is amicably settled and the Court is satisfied that in order to secure the ends of justice, if FIR can be quashed based upon compromise, then such powers can always be exercised by the High Court by invoking the provisions of Section 482 of the Code of Criminal Procedure. However, in case the category of the case falls within the category of serious or heinous offence, then in that situation such a power should not be invoked.

A Co-ordinate Bench of this Court in **Jagir Singh Versus State of Punjab and others, CRM-M-38501-2019, decided on 06.09.2022** held that given the facts and circumstances of a case especially when it was a case of financial dispute, partial quashing can also be made with regard to one or some of the accused in case the circumstances so demand.

In the present case, it was a financial dispute between the parties and as per the complainant, his claim has already been settled and the subject matter of the present case does not fall in the category of serious

and heinous offence and therefore, this Court is satisfied that the further prosecution of the present petitioner would not be in the interest of justice and therefore, in order to secure the ends of justice, the present FIR is liable to be quashed based upon compromise.

Consequently, the present petition is allowed and the FIR No.18 dated 20.05.2015, under Section 420 of the Indian Penal Code, 1860, registered at Police Station City Ahmedgarh, Sangrur alongwith all other consequential proceedings is hereby quashed qua the petitioner only based upon compromise.

22.09.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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