

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 253

CRM-M No.33746 of 2020
Date of Decision: 01.04.2022

Malkit Singh

.....Petitioner

Vs.

State of Punjab & anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. B.S. Bajwa, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Mr. R.K. Chaudhary, Advocate,
for respondent No.2.

JASGURPREET SINGH PURI, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.68 dated 17.12.2017, under Section 420 IPC, registered at Police Station Kotli Surat Malhi, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of Compromise/Affidavit (Annexures P2).

It has been submitted by learned counsel for the petitioner that as per the allegations contained in the FIR, the complainant has alleged that the petitioner had taken an amount of Rs.4,00,000/- for the purpose of securing him job, whereas he submitted that in fact that was result of misunderstanding between the parties and thereafter, the matter has since been settled with the intervention of the respectables vide Annexure P-2.

He submitted that the subject matter of the present case does not fall in the

category of serious or heinous offence. He further submitted that in pursuance of the order passed by this Court on 28.10.2020 for recording the statements of the parties before the Illaqa Magistrate/trial Court, both parties have appeared before the learned Illaqa Magistrate/trial Court pertaining to the genuineness and voluntariness of the agreement for an amicable settlement and therefore, he has prayed that the present FIR may be quashed on the basis of compromise in order to secure the ends of justice since no useful purpose would be served in case further prosecution is carried on.

Learned State counsel has submitted that the matter is still at the investigation stage and the petitioner is the only accused and respondent No.2 is the only aggrieved person in the present case. He has submitted that neither the petitioner is involved in any other case as per instructions nor he has been declared as proclaimed offender.

Mr. R.K. Chaudhary, Advocate, has appeared for respondent No.2 and stated that it is correct that a compromise has been arrived at between the parties and he has no objection if the aforesaid FIR is quashed on the basis of compromise.

I have heard the learned counsel for the parties.

In pursuance of the orders passed on 28.10.2020, the statements of the parties have been recorded by the learned Judicial Magistrate First Class, Batala and a report dated 03.12.2020 has been received from the learned Judicial Magistrate First Class, Batala, wherein it has been stated that there is only one accused in the present case and he has not been declared as proclaimed offender in the present FIR and he is on bail and there are no criminal proceedings pending against him with the complainant/respondent No.2 at Police Station Kotli Surat Malhi. It has

been further stated in the report of the learned Magistrate that from the statement of the parties recorded in the Court, it appears that the compromise is genuine, without any fear, coercion or undue influence. In the present case, the allegations were with regard to taking of Rs.4,00,000/- by the petitioner from the complainant. At the stage of investigation itself, the financial dispute between the petitioner and respondent No.2 has been settled amicably as per Annexure P-2 and with regard to the genuineness and voluntariness of the settlement, the statements have since been recorded before the learned Magistrate, First Class, Batala in pursuance of the orders passed by this Court.

As per the facts and circumstances, the present case does not fall in the category of serious and heinous offence. Therefore, following the judgments in State of Madhya Pradesh Vs. Laxmi Narayan, 2019(2) SCC (Criminal) 706, Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052 as well as Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this Court deems it fit and proper to quash the present FIR. Consequently, this petition is allowed and F.I.R. No.68 dated 17.12.2017, under Section 420 IPC, registered at Police Station Kotli Surat Malhi, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom qua the petitioner are hereby quashed based upon compromise.

01.04.2022

monika

(JASGURPREET SINGH PURI)
JUDGE

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