

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42840-2021
Date of Decision: 06.09.2022

Rajinder Mahajan and another

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Mannat Anand Advocate, for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

Ms. Nupar Sood, 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.02 dated 07.01.2015, under Sections 406, 420, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Shimlapuri, Ludhiana alongwith all other consequential proceedings, based upon compromise (Annexure P-2).

It has been submitted by the learned counsel for the petitioners that the dispute in the present petition was pertaining to a financial dispute between the petitioners and respondent No.2 and such financial dispute has since been settled amicably between the parties by way of a compromise (Annexure P-2). She further submitted that both the petitioners are father and son and petitioner No.2 is residing in Australia. She further submitted

that while passing order dated 21.01.2022 this Court had also observed that it will be appreciated that in case the statement of petitioner No.2 is recorded by way of virtual hearing. She further submitted that consequent to the orders passed by this Court whereby it had directed the parties to appear before the learned trial Court for recording of the statements, petitioner No.1 and respondent No.2 got their statements recorded before the learned Judicial Magistrate Ist Class, Ludhiana and so far as petitioner No.2 is concerned, he also got his statement recorded by way of video conferencing. She further submitted that it is a case of a pure financial dispute between the parties and the matter has been compromised, no useful purpose will be served in case further proceedings are carried on in the present case and has prayed for the quashing of the FIR and all the consequential proceedings based upon compromise.

Mr. Shiva Khurmi, learned Assistant Advocate General, Punjab has submitted that it is correct that the subject matter of present case was a financial dispute between the parties.

Ms. Nupar Sood, learned counsel appearing on behalf of respondent No.2 has submitted that it is correct that an amicable settlement has been arrived at between the parties and the dispute was only pertaining to a financial dispute between the parties.

I have heard the learned counsel for the parties.

Vide order dated 21.01.2022 passed by this Court, the parties were directed to appear before the learned trial Court/ Illaqa Magistrate for the purpose of recording of the statement pertaining to voluntariness and genuineness of the compromise. A report has been received from the learned Judicial Magistrate Ist Class, Ludhiana wherein he has submitted

that petitioner No.1 namely Rajinder Mahajan got his statement recorded and apart from the same, even the petitioner No.2 namely Darwin Mahajan has also got his statement recorded through video conferencing since he is resident of Australia. The complainant namely Narinder Vij also got his statement recorded. The learned Judicial Magistrate has further stated in his report that as per the statements of the parties, the statements given by them are not a result of any pressure or coercion in any manner and the compromise is a valid compromise. The I.O has also stated that the accused have not been declared as proclaimed offenders in the present case and it was further stated by him that in the present case the proclamation of petitioner No.2 namely Darwin Mahajan has been effected and notice to the serving constable has been issued. However, nobody has been declared as a proclaimed offender till date.

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 and “***State of Madhya Pradesh Vs. Laxmi Narayan***”, (SC) 2019(196) AIR 1, observed that when the dispute is particularly pertaining to financial dispute between the parties and the same is settled amicably, then it will be always with the interest of justice that the further proceedings be quashed based upon compromise. However, in matters pertaining to serious or heinous offences such a discretion should not be ordinarily exercised by the High Court while exercising powers under Section 482 of the Code of Criminal Procedure.

In the present case, this Court is of the view that the subject

matter is pertaining to a financial dispute between the parties and therefore, it does not fall in the category of any serious and heinous offence and therefore, this Court is satisfied based upon the statements made by the parties with regard to the voluntariness and genuineness of the compromise that this case does not fall in the category of any serious and heinous offence. Therefore in order to secure the ends of justice, it will be just and proper to quash the FIR based upon compromise.

In view of the above, the present petition is allowed and the FIR No.02 dated 07.01.2015, under Sections 406, 420, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Shimlapuri, Ludhiana alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

06.09.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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