

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

**CRM-M-24479-2022 (O&M)
Date of decision: 07.12.2022**

Darshan Singh and others

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. O. P. Kamboj, Advocate
for the petitioners.

Mr. P. S. Pandher, AAG, Punjab.

Ms. N. R. Komal Kamboj, Advocate
for respondent No. 2/son of deceased complainant Kanshi Ram.

ARVIND SINGH SANGWAN, J. (Oral)

By way of the present petition, filed under Section 482 Cr.P.C., the petitioners, on the basis of the compromise (Annexure P-5) entered into between the parties, have prayed for quashing of FIR No. 29 dated 31.01.2008, registered under Sections 420, 406, 465, 467, 468, 471 and 120-B of the IPC at Police Station City Abohar, District Ferozepur (now District Fazilka) and all the subsequent proceedings arising therefrom including judgment of conviction dated 20.05.2017 and order of sentence of the even date (Annexure P-2), vide which the petitioners were convicted by the trial Court under Sections 406, 465, 467, 468, 471 of the IPC and sentenced to undergo a maximum imprisonment for a period of two years.

As per prosecution, the brief facts of the case are that the present FIR was registered at the instance of complainant Kanshi Ram, with the allegations that the complainant got sanctioned a loan of Rs.5,00,000/- from

Canara Bank after mortgaging his land measuring 40 kanals with Canara Bank, branch Abohar for purchase of tractor and agricultural implements. The bank prepared a draft of standard tractor in the name of Avtar & Darshan, owners of tractors, and the above said firm withdrawn the aforesaid amount from his account but did not supply the tractor to the complainant. It was further stated that in the aforesaid loan case, accused Sukhdev Singh being a mediator had received his brokerage amount from both sides. Accused Avtar and Darshan Singh are relatives being brother in-laws i.e. (Jeeja & Saala) who were running the agency of tractors in their names at Fazilka which has now been closed. The tractor in question was in possession of accused Jaswant Singh and his father Darshan Singh, regarding which both the accused after preparing a forged agreement to sell qua keeping the aforesaid tractor in their possession and filed a civil suit in the Court at Fazilka. It was further stated that accused Satnam Singh was working as Manager in the aforesaid tractor agency and in conspiracy with other accused has committed the offence. Accused Vinod Kumar was working as Field Officer in Canara Bank, branch Abohar and has filed a civil suit in the Civil Court, Abohar, whereas during investigation, it was found that the tractor in question has not been supplied to the complainant.

After registration of the FIR, the investigation was conducted and *Challan* was presented against the accused before the Court. Finding a prima facie case against the accused, the charge under Sections 420, 406, 465, 467, 468, 471 and 120-B of the IPC was framed against the accused, to which, they pleaded not guilty and claimed trial.

The trial Court, after hearing learned counsel for the parties and

appreciating the evidence brought on record, convicted and sentenced the petitioners/accused, as noticed above, however, Vinod Kumar, Field Officer and Sukhdev Singh were acquitted by the trial Court.

Aggrieved against the impugned judgment of conviction and order of sentence, the accused have preferred an appeal before the lower appellate Court, which is pending, however, during the intervening period, the matter stood compromised between the parties and the petitioners/accused have filed the present petition seeking quashing of the FIR in question along with all the subsequent proceedings.

Vide order dated 02.06.2022, the parties were directed to appear before the trial Court/Illaqia Magistrate for recording of their statement in support of the compromise.

In pursuance thereof, a report dated 05.08.2022 has been received from Sub Divisional Judicial Magistrate, Abohar, wherein it has been reported that statements of the petitioners and respondent No. 2 (son of complainant Kanshi Ram) have been recorded and statements made by the parties in the Court reveal that they have voluntarily entered into a compromise and the Court is satisfied that the parties have amicably settled their dispute without any fear, pressure, threat or coercion and out of their free will. On the basis of the statement of the Investigating Officer, it is also reported that there were total six accused including petitioners, however, Vinod Kumar, Field Officer and Sukhdev Singh were acquitted by the trial Court. It is also reported that there is only one complainant in this case i.e. Kanshi Ram, who has since died and now he is being represented by his son respondent No. 2 Vinod Kumar, who has admitted the factum of compromise.

Learned counsel for the petitioners has relied upon ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, wherein a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence. Accordingly, the judgment of conviction and order of sentence passed by the trial Court was set aside and it was directed that the appeal, pending before the lower appellate Court, would be rendered infructuous.

Learned counsel for the petitioners has also relied upon a judgment rendered in ***K. Subramanian vs. R. Rajathi Rep. By P.O.P. Kaliappan, 2010 (1) RCR (Criminal) 184***, whereby, on the basis of the compromise entered into between the parties, Hon'ble Supreme Court has set aside the judgment of conviction and order of sentence passed by the Courts below and the accused was acquitted of the charge, framed against him under Section 138 of the N. I. Act.

Learned State counsel, on the basis of the short reply filed today in Court, has not disputed the factual position.

Learned counsel for respondent No.2/complainant has also admitted to the factum of compromise and has categorically stated that he has no objection if the present petition is allowed and the FIR in question is quashed along with all the subsequent proceedings arising therefrom.

After hearing learned counsel for the parties, considering the aforesaid facts and circumstances and also in view of the aforesaid judgments rendered in ***Sube Singh's*** case and ***K. Subramanian's*** case (supra), the present petition is allowed and the impugned judgment of conviction dated

20.05.2017 and order of sentence of the even date (Annexure P-2), passed by the trial Court, are set aside. The petitioners/accused are acquitted of the charges framed against them.

The appeal, pending before the lower appellate Court, shall be disposed of accordingly.

However, this order shall be subject to payment of cost of ₹10,000/- to be deposited with the District Legal Services Authority concerned within a period of 08 weeks from today, failing which, this petition will be deemed to have been dismissed without any further order.

07.12.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No