

CRM-M-47805-2021

Reserved on : 14.12.2021

Pronounced on : 05.01.2022

Tarun Kumar

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

 Mr. Sidakmeet Sandhu, AAG, Punjab.

 Mr. Khushkaran Kumar, Advocate for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
13	29.01.2021	Phase-11, SAS Nagar	406 & 420 IPC

The petitioner, who has been arraigned as an accused in the above captioned FIR, has come up before this Court under Section 482 CrPC to quash the FIR and all consequential proceedings based on the compromise with the victims.

2. The gist of the allegations against the petitioner(s) is that on 29.01.2021, the complainant (respondent No.2) made a written complaint to the above mentioned police station, in the following terms:-

He stated that he is a partner in Saksham Enterprises Immigration Company. Due to some misunderstanding, an FIR was registered against him in Police Station, Mohali. In between Tarun Kumar (present petitioner) told him that he has good links with the

police and he can get the FIR cancel for a sum of Rs.20 lacs. Believing him, the complainant paid him a sum of Rs.19,50,000/- on various dates. However on one pretext of the other, he kept on befooling him and when he asked to refund his money, he only gave Rs.6,00,000/- and refused to return the balance amount. Based on this information, the police registered the FIR captioned above.

3. During the pendency of the petition, the accused and the injured have compromised the matter, and its copy is annexed with this petition. After that, the petitioner has come up before this Court to quash the FIR, and in the quashing petition, the injured have been impleaded as respondent(s).

4. On the prayer of the parties, the Court vide had permitted the parties to appear before the concerned Court to record their statements. As per the concerned Sessions Court's report, the victim(s), without any threat, consented to the quashing of FIR and consequent proceedings.

ANALYSIS & REASONING:

5. As per report received from JMIC, Mohali, statement of the complainant and other concerned parties, has been recorded and the complainant has no objection if the present FIR is quashed. It is stated in the report that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

6. The following aspects would be relevant to conclude this petition: -

- a) The accused and the private respondent(s) have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;
- c) The victim has willingly consented to the nullification of criminal proceedings;
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;
- f) The rejection of compromise may also lead to ill will. The pendency of

trial affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, habitual, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family and society;

i) The ends of justice would justify the exercise of the inherent power by quashing the FIR and the consequent proceedings.

7. In the present case, the offences are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

8. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon'ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

9. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon'ble Supreme Court holds "[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated."

10. In the facts and circumstances peculiar to this case, the petition is allowed in the aforementioned terms. The FIR and other proceedings captioned above, with all consequential proceedings arising therefrom, are hereby quashed qua the present petitioner. The bail bonds of the petition are accordingly discharged. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)

JUDGE

05.01.2022

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Whether speaking/reasoned: Yes

Whether reportable: No