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

CRM-M-41-2022

Date of decision : 06.01.2022

Tarlochan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. K.S. Dhanora, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Naveen Siwach, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.205 dated 07.11.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Samrala, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise effected between the parties in the Mediation and Conciliation Centre of this Court dated 30.07.2021 (Annexure P-2).

Learned counsel for the petitioner has submitted that in the present case, FIR was registered at the instance of respondent No.2 against two persons i.e. petitioner and one Satveer Singh Sekhon. It is further

submitted that there were several disputes between the parties and all the disputes have been settled before the Mediation and Conciliation Centre of this Court and reference has been made to the detailed compromise dated 30.07.2021 (Annexure P-2). Relevant portion of the said compromise is reproduced hereinbelow:-

*“BEFORE THE MEDIATION & CONCILIATION CENTRE,
PUNJAB & HARYANA HIGH COURT AT CHANDIGARH*

Mediation Case No.423 of 2021

Re: CRM-M-22956 of 2021

Satveer Singh Sekhon Vs. State of Punjab

CRM-M-39808 of 2020

Tarlochan Singh Vs. State of Punjab

SETTLEMENT/AGREEMENT

*This SETTLEMENT/AGREEMENT is entered into between
Satveer Singh Sekhon, aged about 36 years son of Sukhdev
Singh, resident of Bank Colony, Behlolpur Road, Samrala,
Tehsil and P.S. Samrala, District Ludhiana.*

...First party/Accused

AND

*Tarlochan Singh, aged about 55 years son of late Sh. Amar
Singh son of late Sh. Kharak Singh, resident of House No.290,
Durlabh Nagar, Samrala, Tehsil and P.S. Samrala, District
Ludhiana*

...Second Party/Accused

AND

*Surjeet Kaur, aged about years 85, w/o Col. Lakha Singh,
through GPA Paramjit Kaur Kang w/o Supinderjit Singh Kang,
resident of Ward No.4, Kang Mohalla, Samrala, Tehsil and
P.S. Samrala, District Ludhiana.*

...Third Party/Complainant

on this day of 30th July, 2021

Anurag Jain, Mediator**WHEREAS**

1. The third party has got registered one FIR No.205 dated 07.11.2020 under Section 406 and 420 IPC at Police Station Samrala, Tehsil Samrala, District Ludhiana, to which sections 467, 468, 471 and 120-B IPC have been added later on. The said FIR has been got registered against the first party and the second party. The first party-Satveer Singh Sekhon has approached the Hon'ble High Court for grant of regular bail vide CRM-M-22956 of 2021 and the second party-Tarlochan Singh has filed application vide CRM-M-39808 of 2020 for grant of pre-arrest bail before the Hon'ble High Court. Both the parties have been granted interim bail by the Hon'ble High Court.

2. The Hon'ble High Court vide order dated 05.07.2021 has referred the case bearing CRM-M-22956 of 2021 titled as 'Satveer Singh Sekhon Vs. State of Punjab', to the Mediation & Conciliation Centre of this Court. for exploring the possibility of an amicable settlement. Further vide this order. the Hon'ble High Court has also directed that the co-accused Tarlochan Singh shall also participate in the mediation proceedings.

3. The undersigned was appointed as Mediator for the aforesaid matter. The mediation sessions were held with the parties on 19.07.2021, 26.07.2021, 29.07.2021 and 30.07.2021 through virtual proceedings. However, for scribing signatures on the present settlement, the parties have come present in person.

4. The parties during mediation proceedings put up their grievance wherein it was said that the second party-Tarlochan Singh is legal heir of Amar Singh son of late Sh. Kharak Singh, who was the original tenant, whose tenancy was incepted around the year 1960, in ground floor of shop situated at Chandigarh road, Samrala, Tehsil Samrala. District Ludhiana

within municipal limits of Tehsil Samrala. The Shop is bound as:- East-Shop of Pali son of Jeet Singh, West-Shop of Banti Confectionery, North-House of Pali son of Jeet Singh, South-Chandigarh Road.

Possession of said shop is stated to have been handed over to first party-Satveer Singh Sekhon, purportedly on the basis of some Agreement to sell dated 21.11.2019, stated to have been executed by second party-Tarlochan Singh in favour of first party-Satveer Singh Sekhon. Further one more Agreement to Sell dated 08.04.1976 for the shop in question, purported to have been executed by Jaswant Singh son of late Sh. Ram Singh in favour of second party-Tarlochan Singh. The third party on the alleged sale transaction dated 21.11.2019 referred above. raised a dispute which led to registration of aforesaid FIR No.205 dated 07.11.2020.

5. The parties with the assistance of undersigned Mediator/Conciliator have voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

6. The list of litigations pending between the parties are as under:-

(i) FIR No.205 dated 07.11.2020 under Section 406 and 420 IPC at Police Station Samrala. Tehsil Samrala. District Ludhiana. to which sections 467, 468. 471 and 120-B IPC have been added later on.

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m) The first party and the second party shall file joint/separate petition(s), before the Hon'ble High Court, for seeking quashing of aforesaid FIR No.205 dated 07.11.2020. The third party has agreed that she shall not oppose the same and will extend all help in getting the same quashed. Further the parties have agreed that the petition for seeking quashing of this FIR, shall be

immediately filed by first and second parties, after third party is delivered the vacant and peaceful possession of the shop in question by first party.”

Learned counsel for the petitioner has argued that in pursuance of the said compromise, the petitioner as well as Satveer Singh Sekhon have delivered the vacant and peaceful possession of the shop in question to the third party i.e. respondent No.2-complainant. It is further argued that the petitioner had also withdrawn the civil suit which had been filed against respondent No.2. Reference in this regard has been made to order dated 09.09.2021 (Annexure P-3) passed by the Civil Judge (Junior Division), Samrala. It is contended that Satveer Singh Sekhon had approached this Hon'ble Court by way of filing a petition bearing CRM-M-40864-2021 for quashing of FIR on the basis of compromise and this Court vide order dated 28.10.2021 was pleased to allow the said petition qua the said petitioner therein. It is further contended that the report in the said case was also called for and as per the report of the Additional Civil Judge (Senior Division)-cum-SDJM, Samrala, it was observed that the compromise was genuine and bona fide.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court.

Mr. Naveen Siwach, Advocate has put in appearance on behalf of respondent No.2 and has reiterated the fact that the matter has been fully and finally settled before the Mediation and Conciliation Centre of this

Court and has re-affirmed the terms of the compromise dated 30.07.2021 (Annexure P-2). It is submitted that as per para 8 Sub-clause (m) of the said compromise, vacant and peaceful possession of shop in question has been delivered to respondent No.2. The factum with respect to civil suit filed by the petitioner having been withdrawn has also been admitted. It is further contended that in the quashing petition filed by Satveer Singh Sekhon, statement of the complainant had already been recorded as per which it had been found that the compromise was genuine and voluntary in nature and without any coercion or undue influence. It is submitted that respondent No.2 also prays that the present petition be allowed and the FIR qua the petitioner also be quashed.

Learned counsel for the State has submitted that in case, the matter has been compromised, they would have no objection in case the FIR is quashed.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is apparent from the record that the matter has been compromise between the parties vide compromise dated 30.07.2021 (Annexure P-2) which has been entered into before the Mediation and Conciliation Centre of the Punjab and Haryana High Court at Chandigarh. Respondent No.2 is also party to the said compromise. It is admitted case of the petitioner and respondent No.2 that in compliance of para 8 Sub-clause (m) of the compromise dated 30.07.2021 (Annexure P-2), respondent No.2 has been delivered the vacant and peaceful possession of the shop in question. It has been stated by the petitioner and respondent No.2 that the

compromise is genuine, bona fide and has been entered into without any coercion or undue influence. It would be relevant to note that co-accused of the petitioner namely Satveer Singh Sekhon had filed a petition bearing CRM-M-40864-2021 for quashing of FIR on the basis of compromise and the same was allowed qua the said petitioner vide order dated 28.10.2021 passed by this Court. A perusal of the said order would show that the report of the Additional Civil Judge (Senior Division)-cum-SDJM, Samrala was called for in the said case and as per the said report, the compromise entered into was genuine and bona fide. Relevant portion of the said order dated 28.10.2021 is reproduced hereinbelow:-

“2. Copy of compromise has been produced by the parties as Mark-A which bears signatures of complainant Paramjit Kaur as well as accused persons Satveer Singh Sekhon @ Vicky and Tarlochan Singh.

3. Par wise reply of details sought through this report is under:-

I) There are two accused persons namely Satveer Singh Sekhon and Tarlochan Singh in the present FIR.

II) As per the statement of ASI Shemsher Singh, No.463/Khanna there is no proclaimed offender in the present FIR.

III) From the statement of the parties, the compromise seems genuine and voluntary in nature and without any coercion or undue influence.

IV) As per statement of ASI Shemsher Singh, No. 463/Khanna, there is one more FIR i.e. FIR No. 03 dated 05.01.2021 under Section 177, 417, 420, 120-B of IPC, P.S. Samrala is pending against the accused Satveer Singh Sekhon.

V) Statement of ASI Shemsher Singh, No.463/Khanna

recorded on dated 13.10.2021 as per which there is one complainant namely Paramjit Kaur wife of Supinder Singh Kang in the present FIR.

4. The requisite report is accordingly submitted please, for its onward transmission to the Hon'ble Punjab & Haryana High Court, Chandigarh. Original copies of the statements so recorded of the parties and the ID proof of the complainant and accused, are enclosed herewith, for kind perusal, please.”

The report is submitted as desired, please.”

As per the Full Bench judgment of this Court in “**Kulwinder Singh and others Vs State of Punjab**”, reported as **2007 (3) RCR (Criminal) 1052**, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of “**Gian Singh Vs. State of Punjab and another**”, reported as **2012 (4) RCR (Criminal) 543**, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different

from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No.205 dated 07.11.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Samrala, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise effected between the parties in the Mediation and Conciliation Centre of this Court dated 30.07.2021 (Annexure P-2), are ordered to be quashed, qua the present petitioner.

06.01.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No