

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(285)

CRM-M-3392-2023

Date of Decision:- 12.07.2023

Gurpreet Singh

...Petitioner

VERSUS

M/s PSHC Realtors Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kashav Chadha, Advocate for
Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Prikshit Thakur, Advocate for
Ms. Ramandeep Kaur, Advocate for the respondent.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of criminal complaint No. COMI/713/2015 dated 24.12.2015, Annexure P-1, registered for offences under Sections 403, 405, 406, 420 and 34 of the Indian Penal Code, 1860, along with all subsequent proceedings arising therefrom including order dated 12.07.2019 passed by the learned JMIC, Amritsar, Annexure P-4, whereby the petitioner was declared as proclaimed person in the above mentioned complaint on the basis of compromise dated 04.01.2023, Annexure P-5.

2. Pursuant to order dated 20.03.2023, report has been received from the Trial Court, relevant extract of which is as under:-

“1. The compromise between the parties is genuine and correct and it is not the result of any fraud or misrepresentation and has been entered into by the parties out of their free will.

2. It is pertinent to mention that the present case is a complaint case filed by M/s PSHC Realtors Private Limited through their authorised representative Narinder Singh Gill.

Except the accused, there is no other accused in the present complaint case.

3. The parties are not involved or declared proclaimed offenders in any other criminal case. It is pertinent to mention that vide order dated 12.07.2019 the accused namely Gurpreet Singh was declared as a proclaimed person in the present case.”

3. Dispute has been amicably resolved amongst the parties with the intervention of the respectables by virtue of compromise, Annexure P-5. Still further, as is evident from order dated 20.03.2023, petitioner has appeared before the Trial Court, joined the proceedings and has been released on interim bail. Therefore, describing him as a Proclaimed Offender, would be a misnomer.

4. In view of the report given by the Trial Court and the judgments of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and the same deserves to be set aside.

5. Accordingly, the petition is allowed. Criminal complaint No. COMI/713/2015 dated 24.12.2015, registered for offences under Sections 403, 405, 406, 420 and 34 of the Indian Penal Code, 1860, Annexure P-1, along with all subsequent proceedings arising therefrom including order dated 12.07.2019 passed by the learned JMIC, Amritsar, Annexure P-4, are quashed qua the petitioner.

12.07.2023

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No