

CRM-M-8462-2023

2023:PHHC:076562
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**274 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-8462-2023
DATE OF DECISION:-25.05.2023

Sital Singh and another

...Petitioners.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Varun Katyal, Advocate,
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Rahul Verma, Advocate
for respondent No.2.

HARKESH MANUJA, J.

1. By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.0098 dated 16.07.2019, under Sections 406 and 420 IPC, registered at Police Station Phase 11, Mohali, SAS Nagar, Punjab (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise deed dated 29.09.2022 (Annexure P-2).

2. As per the allegations levelled in the FIR, petitioners cheated the complainant and his sons by duping huge amount on the pretext of sending his sons abroad on study visa. Though, petitioner No.1 was named in the FIR, however, name of petitioner No.2 cropped up during investigation.

3. In pursuance to an order dated 28.03.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting

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their statements recorded as regards the veracity of compromise arrived at between them, a report dated 26.04.2023 has been received from the concerned court, stating that compromise effected between complainant-No.2, Gurdeep Singh Bidi and accused/petitioners, namely, Sital Singh and Navjot Kaur only is genuine, voluntarily and without any coercion or undue influence. It has also been mentioned that Neha and Balbir Kalia, who were nominated as additional accused are yet to be arrested. The petitioners have not been declared as proclaimed offender.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Further, learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.0098 dated 16.07.2019, under Sections 406 and 420 IPC, registered at Police Station Phase 11, Mohali, SAS Nagar, Punjab (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

8. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Employees Welfare Association having Account No.37167209613 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

25.05.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No