

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

CRM-M-11354-2023

Date of Decision: May 17, 2023

GURMIT SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Kuldeep Singh, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.54 dated 03.05.2019 registered under Sections 406, 420 and 120-B IPC, under Section 12 of Passport Act 1967, Under Section 24 of Immigration Act and under Section 13 of Punjab Travel Regulation Act 2014 registered at Police Station Cantt. Jalandhar, Jalandhar (Annexure P1) along with all consequential proceedings arising therefrom qua the petitioner on the basis of compromise dated 22.10.2020 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioner defrauded the complainant of Rs.21,00,000/- on the pretext of sending him to USA and threatened to kill him. Originally the FIR was registered against 5 persons including the petitioner and the present compromise has been arrived at into between the petitioner and son of complainant- Gurjinder Singh i.e. respondent No.2-Gurpreet Singh who is the victim.

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3. In pursuance to an order dated 09.03.2023 passed by this Court, whereby the matter was referred to Mediation and Conciliation Centre, the parties settled their differences. A settlement agreement dated 25.04.2023 was executed by the parties before Mediation and Conciliation Centre of this Court. A report dated 25.04.2023 has been received from the Mediation and Conciliation Centre of this court, stating that the compromise between the respondent No.2-Gurpreet Singh and petitioner-Gurmeet Singh is valid, voluntary and out of their own free will. There are four other accused persons and all accused were declared as proclaimed offender.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. 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

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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**. Further, learned counsel for the petitioner, 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.

6. Thus, in view of the aforesaid settlement dated 25.04.2023 arrived at between the parties before the Mediation and Conciliation Centre of this Court as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.54 dated 03.05.2019 registered under Sections 406, 420 and 120-B IPC, under Section 12 of Passport Act 1967, Under Section 24 of Immigration Act and under Section 13 of Punjab Travel Regulation Act 2014 registered at Police Station Cantt. Jalandhar, Jalandhar as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited with Punjab and Haryana High

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Court Association Lawyer’s Family Welfare Fund having account No. 41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

17.05.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

