

262 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13516-2023 (O&M)
DATE OF DECISION:-27.04.2023

Sandeep Singh Mahal and another ...Petitioners.

vs.

State of Punjab and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Satish Garg, Advocate for the petitioners.

Mr. Vinay Kumar Gupta, AAG, Punjab.

Mr. Anil Saini, Advocate for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.320, dated 30.11.2018, under Sections 406, 420 and 120-B IPC, registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3).

2. As per the allegations in the FIR, the petitioners cheated the complainant for a sum of Rs.3,70,000/- on the pretext of sending him to Singapore.

3. In pursuance to order dated 17.03.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting 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 parties have arrived at compromise with their

free volition, without any pressure, threat, coercion or undue influence from any quarter and the same is genuine, without pressure or undue influence. No accused has been 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 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. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.320, dated 30.11.2018, under Sections 406, 420 and 120-B IPC, registered at Police Station City Kharar,

District SAS Nagar (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High 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.

27.04.2023

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

(HARKESH MANUJA)

JUDGE