

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-19320-2018****Date of Decision: February 28, 2023**

SWARANJIT SINGH AND ORS

..... **Petitioners****Versus**

STATE OF PUNJAB AND ANR

..... **Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Birender Singh, Advocate for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Tarun Jhatta, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioner No.1 namely Swaranjit Singh prays for quashing FIR No.112, dated 31.10.2017, under Sections 420, 406, 120-B, 506 IPC registered at Police Station Mehna, District Moga, Punjab along with all consequential proceedings arising out of the same.

2. As per allegations levelled in the FIR, the petitioners cheated the complainant and threatened to kill him.

3. In pursuance to an order dated 17.01.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 08.02.2023 has been received from the concerned Court, stating that the compromise in the present case is voluntary and without any duress or inducement. There is no other accused except the present petitioners and there is one complainant namely, Harnek Singh. Two accused namely Gurdev Singh and Virinderjit Singh have 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 petitioner No.1; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner No.1. 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 On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the report dated 08.02.2023. 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**”. 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 report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed. FIR No. 112, dated 31.10.2017, under Sections 420, 406, 120-B, 506 IPC, along with all consequential proceedings arising therefrom, are hereby quashed qua petitioner No.1 only.

8. The aforesaid order shall however be subject to payment of Costs of Rs.10,000/- each 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.

28.02.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No