

251 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18623-2022

DATE OF DECISION:-06.02.2023

Ram Asra

...Petitioner.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Barjinder Singh, Advocate for the petitioner.

Mr. Ravinder Singh, AAG, Punjab

Mr. Vishal Khatkar, Advocate for
Mr. Nitin Rampal, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.247 dated 18.12.2015, under Sections 420, 120-B IPC, Police Station Navi Baradari, District Jalandhar along with all consequential proceedings arising out of the same on the basis of compromise.

2. As per the allegations levelled in the FIR, the petitioner along with other co-accused cheated the complainant for a sum of Rs.25 lacs by entering into an agreement to sell but did not honour the same.

3. On 05.07.2022, this Court passed the following order:-

*“Through the present petition, the petitioner seeks
quashing of the FIR No. 247 dated 18.12.2015, registered*

under Sections 420, 120-B IPC, at Police Station Navi Baradari, District Jalandhar, and all the subsequent proceedings arising therefrom, on the basis of compromise dated 17.09.2018 (Annexure P-2).

On 19.05.2022, it was noted that vide order dated 28.08.2019 passed in CRM-M-52086-2018, preferred by the petitioner and co-accused, the FIR and all the subsequent proceedings were quashed qua wife of the petitioner (petitioner No. 1 in the said petition). But the petitioner was under the bona fide impression that the FIR and all the subsequent proceedings stands quashed qua him also, so he did not appear before the Court and ultimately declared a proclaimed person. The said proclamation order stands quashed vide order dated 10.05.2022 passed by this Court in CRM-M-18579-2022.

Learned counsel for the petitioner submits that in compliance of the order dated 10.05.2022, the petitioner has appeared before the trial Court on 17.05.2022 and has also deposited the cost of Rs. 10,000/- with the DLSA, Jalandhar. With the intervention of the respectable persons of the area, the matter has been compromised between the parties and on the basis of the said compromise the FIR and all the subsequent proceedings qua the wife of the petitioner stands quashed.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG Punjab, accepts notice on behalf of the respondent-State. At this stage, Mr. Naveen Sharma, Advocate, for Mr. Nitin Rampal, Advocate, appears on behalf of respondent No. 2, and does not dispute the factum of the compromise.

Since the matter has already been compromised and on the basis of the said compromise, the FIR and all the subsequent proceedings qua the wife of the petitioner has already been quashed, the parties are directed to appear before the Illaqa Magistrate/trial Court on 25.07.2022 or any other date convenient to the concerned Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;

2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

3. the stage of trial/proceedings;

4. If the compromise is genuine, voluntary and out of free will of the parties;

*Report of the Illaqa Magistrate/trial Court be
awaited for 03.11.2022”*

4. In pursuance to aforesaid order dated 05.07.2022 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 the compromise arrived at between them, report dated 03.07.2022 has been received from the concerned court, stating that the compromise is genuine and voluntary. There are two accused, namely, Santosh Kumari and Ram Asra, however, proceedings qua Santosh Kumari were dropped vide order dated 16.09.2019. It is also mentioned in the report that petitioner-Ram Asra was declared PO but later on granted bail by this Court on 17.05.2022. There is only one complainant. The trial is at the stage of framing of charges.

5. 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; the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences has 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.

6. 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 directions issued by this 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.***

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, FIR No.247 dated 18.12.2015, under Sections 420, 120-B IPC, Police Station Navi Baradari, District Jalandhar as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

8. Accordingly, petition stands disposed of but subject to deposit of a sum of Rs.5,000/- by the petitioner within a period of two weeks from today before the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh.

06.02.2023

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(HARKESH MANUJA)
JUDGE

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