

**116 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-20097-2023 (O&M)
Date of Decision: 26.07.2023**

Sukhwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Vaishali Kamboj, Advocate for
Ms. Gagandeep Kaur, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

Ms. Bhupinder Kaur Bhangu, Advocate,
for respondent No.2

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.22 dated 19.03.2020 under Sections 420, 465, 467, 468, 471 & 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*') at Police Station Sandaur, District Sangrur **(P-1)** along with all consequential proceedings arising therefrom on the basis of compromise dated 13.04.2023 **(P-2)**, entered into between the parties i.e. petitioner as well as respondent No.2.

2. The FIR was lodged on the statement of Charanjit Singh in which he stated that accused Sukhwinder Singh had deceived him by assuring a government job for his son, Beant Singh. Neither the money was returned; nor Beant Singh was offered any job.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 24.04.2023, passed the following order:-

“The present petition has been filed for quashing of FIR No.22,dated 19.03.2020, registered at Police Station Sandaur, District Sangrur, under Sections 420, 120-B, 465, 467, 468 & 471 IPC (Annexure P-1) on the basis of compromise (Annexure P-2). Notice of motion.

Mr. Kamalpreet Bawa, AAG, Punjab, accepts notice on behalf of respondent No.1 and waives service.

Ms. Monika, Advocate for Ms. Bhupinder Kaur Bhangu, Advocate, puts in appearance and accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 admits the factum of compromise.

The parties are directed to appear before the trial Court/Illaq Magistrate on 25.05.2023 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Illaq Magistrate shall send a report to this Court regarding genuineness of the compromise between them well before the next date of hearing.

Adjourned to 20.07.2023.

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Malerkotla and submitted a report dated 29.05.2023. The operative part of the same reads as under:-

“The statement of complainant and accused Sukhwinder Singh reflects that they have settled the matter and compromise effected between them is genuine, voluntarily and without any kind of undue influence and coercion.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police official present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

8. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs. 25,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

26.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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