

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-36876-2015 (O&M)
Date of Decision:26.07.2023

Surinder Singh and Another
Vs.
State of Punjab and Another

.....Petitioners

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Puja Chopra, Advocate
for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

None for respondent No.2.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.49 dated 19.04.2013 under Sections 420, 120-B of the IPC, 1860 registered at Police Station Harike, Tehsil Patti, District Tarn Taran, and all subsequent proceedings arising therefrom.

2. It is contended that some misunderstanding had taken place between the petitioners and respondent No.2- complainant and with the intervention of respectables, the compromise had been effected amongst the parties. Petitioners had paid the settlement money to respondent No.2 who had given his affidavit dated 13.03.2014. On that basis petitioner No.1 was even allowed anticipatory bail on 12.09.2014.

3. After issuing notice of motion, appearance was made by respondent No.2- complainant through his Advocate Shri Balwinder Singh Chahal, who conceded that compromise had been effected amongst the

CRM-M-36876-2015 (O&M)

parties. However, later on, matter was adjourned for seeking further instructions.

4. Today nobody is making appearance on behalf of respondent No.2.

5. Learned counsel for the petitioner submits that despite effecting compromise and having received the settlement amount, respondent No.2 is not coming forward and thus he is backing out from the compromise. Learned counsel has drawn attention towards order dated 12.09.2014 (Annexure P-5) passed by learned Additional Sessions Judge, Tarn Taran, as per which while granting anticipatory bail to the petitioner- Surinder Singh, it was specifically observed that complainant- Sukhwinder Singh had appeared in the Court and had made the statement that he had no objection for grant of bail since he had received the entire amount from the accused and had also placed on record copy of an affidavit.

6. Learned counsel for the petitioner has further drawn attention towards the copy of affidavit dated 13.03.2014 (Annexure P-2) of the complainant- Sukhwinder Singh in this regard. Besides counsel for respondent No.2- complainant had also made statement before this Court on 04.04.2018 and had admitted the factum of compromise.

7. In ***Ruchi Agarwal v. Amit Kumar Agrawal 2004(4) R.C.R. (Criminal) 949*** parties entered into a compromise in a case under Section 498-A & 506 of the IPC. Divorce by mutual consent was granted. Petition under Section 125 Cr.P.C. was also withdrawn by the wife whereas husband withdrew the petition under Section 9 of the Hindu Marriage Act. However,

CRM-M-36876-2015 (O&M)

wife refused to withdraw the case under Section 498-A & 506 of the IPC. Observing that wife wanted to harass the husband even after getting the relief, the Hon’ble Supreme Court quashed the FIR in question.

8. In the present case also, after having obtained the settlement money from the petitioners, respondent No.2- complainant appears to be backing out.

9. In view of the aforesaid facts and circumstances, F.I.R. No.49 dated 19.04.2013 registered under Sections 420, 120-B of the IPC, 1860 registered at Police Station Harike, Tehsil Patti, District Tarn Taran and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

July 26, 2023

Neetika Tuteja

(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No