

CRM-M-38254-2015(O&M)

201 (1st case)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-38254-2015 (O&M)****Date of decision: July 04, 2023**

Varinder Singh and another

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Suresh Kumar Arya, Advocate for petitioners.

Ms. Guramrit Kaur, DAG Punjab.

Mr. G.S. Randhawa, Advocate for

Mr. G.S. Bawa, Advocate for respondent No.2.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.76 dated 24.08.2013, registered under Section 420 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Tarsika, District Amritsar (Rural).

2. A co-ordinate Bench presided over by Anupinder Singh Grewal, J., who was then seized of the matter, passed the following order on 13.09.2017:

“Learned counsel for the petitioners contends that the FIR is outcome of a monetary dispute. The matter was compromised with the complainant on 17.10.2012, wherein, it was agreed that a sum of Rs.5,75,000/- shall be paid to the complainant, Harjit Singh. He also states that the complainant had also made a statement before the trial Court on 23.11.2013 (Annexure P-6), wherein, it is stated that he had received Rs.5,87,000/- from the accused and the matter had been compromised.

Learned counsel for respondent No. 2, however, contends that the petitioners had obtained an amount of Rs.8,60,000/- from the complainant and in case they pay the balance amount of Rs.3,00,000/-(approximately), the complainant shall not have any objection to quashing of the FIR.

List on 31.10.2017.

The trial Court shall adjourn the case beyond the date given in the instant case.”

3. An amount of Rs.5,87,000/- was thus concededly received by the complainant pursuant to compromise. Despite having entered into a compromise, instant quashing petition is being opposed on the ground that balance of Rs.3,00,000/- is yet to be paid.

4. Per compromise, complainant in fact also gave a specific undertaking to the learned trial Court, as noted in proceedings dated 23.11.2013 (Annexure P-6), which is reproduced herein below:

“The present case has been registered on my statement. I received. Rs.5,87,000/- from the accused. The matter has been compromised. I have no objection if the cancellation report filed by the police is accepted. I made my statement out of my free will and without any threat or pressure.”

5. On resumed hearing today, learned counsel appearing on behalf of respondent No.2, on a court query does not deny the compromise arrived between the parties, but submits that balance amount of Rs.3,00,000/- has not been paid. Once parties had compromised before the Court by giving an undertaking duly signed by both of them that they had settled the entire dispute on full and final payment of Rs.5,87,000/-, I see no grounds as to how in volte-face thereof having once received the compromised amount, at this stage, conduct of respondent No.2 by retracting from the compromise, can be countenanced.

6. In view of aforesaid, I see no grounds as to why further criminal proceedings should continue as same would be an exercise in futility and waste of precious time of the Court below.

7. In the totality of circumstances, FIR No.76 dated 24.08.2013, registered under Section 420 of the Indian Penal Code, 1860 (for short ‘IPC’), at

Police Station Tarsika, District Amritsar (Rural) and subsequent proceedings are quashed.

- 8. Petition is allowed accordingly.
- 9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 04, 2023
mahavir

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No