

CRM-M-21683-2023

2023:PHHC:080298

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231 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21683-2023

DATE OF DECISION:-01.06.2023

Avtar Sondhi

...Petitioner.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amandeep Saini, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab

Mr. Kulbir Singh Saini, 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.112 dated 20.11.2010, under Section 420 IPC, registered at Police Station Rahon, District SBS Nagar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 10.04.2023 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioner by playing fraud received the claim of husband of the complainant.

3. In pursuance to order dated 01.05.2023 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 compromise arrived at between them, a report dated 19.05.2023 has been received from the concerned court, stating that as per statements of complainant-Shashi Bala

as well as Paramjit Kaur, attorney of petitioner, the compromise effected between the parties seems to be genuine, without any undue influence, voluntarily and out of free will of the parties. No accused has been declared as proclaimed offender.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. 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. 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.***

6. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.112 dated 20.11.2010, under Section 420 IPC, registered at Police Station Rahon, District SBS Nagar

(Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.25,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within a period of two weeks from today.

01.06.2023

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(HARKESH MANUJA)
JUDGE

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