

CRM-M-24169-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(241)

CRM-M-24169-2022

Date of Decision:- 04.08.2023

Gurdeep Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kushagra Beniwal, Advocate for the petitioner.

Mr. Kunwarbir Singh, Punjab for State-respondent No.1.

Mr. Tanvir S. Grewal, Advocate for respondent No.2.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.01 dated 24.01.2018, registered for offences under Sections 419, 420, 465, 467, 471 and 120-B of the Indian Penal Code, 1860, at Police Station NRI, District Sangrur, Punjab, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 25.03.2022, Annexure P-2, arrived at between the parties.

2. Counsel for the petitioners submits that petitioner No.1 is the son of complainant-respondent No.2. He submits that FIR, Annexure P-1, has been registered on account of a financial dispute between the parties, which has been amicably settled by compromise, Annexure P-2. Still further, he submits that the parties as well as Investigating Officer have appeared before the Trial Court and their statements have been recorded in support of the settlement.

3. Counsel representing respondent No.2 has admitted the factum of settlement and does not oppose the prayer made in the petition.

4. Upon instructions received from ASI, Gurjant Singh, State counsel submits that there were four accused, however, one of them, namely, Gurjant Singh, has expired and proceedings qua him have abated vide order dated 12.04.2022.

5. Heard counsel for the parties.

6. Pursuant to order dated 30.05.2022 passed by this Court, report has been received from the Trial Court and its relevant extract is as under:-

“The compromise as per statements of complainant Jaswant Kaur and accused Gurdeep Singh, Rachpal Singh and Sukhwinder Singh has been arrived at voluntarily and without any pressure, undue influence or coercion between complainant Jaswant Kaur and accused Gurdeep Singh, Rachpal Singh and Sukhwinder Singh.

It is further submitted that as per statement of accused Gurdeep Singh, a cross case is pending against him which was registered on the statement of Jaswant Kaur and off shoot of F.I.R. No.126 dated 16.07.2018 under Sections 341, 323 read with Section 34 IPC, Police Station Lehra, in which, petition for quashing the said cross case has also been filed before the Hon’ble High Court which is pending for 11.07.2022. However, accused Rachpal Singh and Sukhwinder Singh have stated that they have not involved in any other F.I.R.

It is also submitted that ASI Varinder Kumar Investigating Officer of this case has appeared and has suffered the statement that except Jaswant Kaur, there is no other complainant of victim in the present F.I.R.”

7. It has been held by a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, where minor disputes particularly between close relatives are converted into criminal proceedings, the High Court has wide power under Section 482, Cr.P.C. to quash the proceedings in case the dispute ends in an amicable settlement between the parties.

8. Keeping in view the settlement, report of the Trial Court as well as judgment of a Full Bench of this Court, this Court has no hesitation in accepting the prayer made in the petition.
9. Accordingly, the petition is allowed. FIR No.01 dated 24.01.2018, registered for offences under Sections 419, 420, 465, 467, 471 and 120-B of the Indian Penal Code, 1860, at Police Station NRI, District Sangrur, Punjab, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.
10. At this stage, counsel representing the petitioners has submitted that in deference to order dated 27.03.2018 passed by this Court in CRM-M-12763-2018 titled as “Gurdeep Singh Versus State of Punjab”, an amount of Rs.3 lacs was deposited by petitioner No.1 before the Area Magistrate/Trial Court, which was to be disbursed, subject to the final outcome of the trial. He has submitted that the Magistrate be directed to refund the said amount to him.
11. Counsel representing respondent No.2 submits that he has no objection if such an order is passed.
12. Accordingly, Area Magistrate/Trial Court shall forthwith refund the amount of Rs.3 lacs to petitioner No.1, in case the amount has been deposited, as stated by counsel for the petitioners.

(SUVIR SEHGAL)
JUDGE

04.08.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No