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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-25147-2023 (O&M)
Date of decision :18.07.2023**

Gurpreet Singh Badhan

... Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. R. S. Randhawa, Advocate for
Mr. Preetinder Singh Ahluwalia, Advocate, for the petitioner.

Mr. Gurlal Singh Dhillon, Assistant Advocate General, Punjab.

Mr. Gaurav Jain, 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.295 dated 21.09.2020 (**P-1**), under Sections 406 and 420 of the Indian Penal Code, registered at Police Station, Tripri, District Patiala along with all consequential proceedings arising therefrom on the basis of compromise dated 25.01.2023 (**P-2**), entered into between the parties i.e. petitioner as well as respondent No.2.

2. The case of the prosecution is that petitioner Gurpreet Singh Badhan has committed breach of trust and fraud by withholding the amount of complainant- Jagir Singh Thind's wife.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 18.05.2023, passed the following order:-

“Prayer in the present petition filed under Section 482 Cr.P.C is for quashing of FIR No.295, dated 21.09.2020, registered under Sections 406 and 420 of the Indian Penal Code, 1860 registered at Police Station Tripri, District Patiala (Annexure P-1) and all the consequent proceedings arising

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therefrom, on the basis of compromise dated 25.01.2023 arrived at between the parties (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Harjinder S. Sidhu AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1/State, who seeks an accommodation to file status report in the matter.

At this stage, Mr. Gaurav Jain, Advocate appears and files Vakalatnama on behalf of respondent No.2 in Court today, which is taken on record, subject to all just exceptions.

List on 18.07.2023.

In the meanwhile, the parties are directed to appear before Illaqa Magistrate/trial Court for recording of their respective statements with regard to the compromise, on 05.06.2023 or any other date convenient to the Court.

The Illaqa Magistrate/trial Court is directed to submit a report containing the following information as well:-

(i) Number of persons arrayed as accused in FIR and those found involved during investigation;

(ii) What is the status of the proceedings of the case/ FIR;

(iii) Whether any accused is proclaimed offender;

(iv) Whether the accused persons are involved in any other case or not;

(v) Whether all the concerned have signed the compromise deed;

(vi) Whether the compromise is genuine, voluntary, and without any coercion or undue influence;

(vii) The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

The afore-made report be ensured to be sent to this Court on or before the date fixed.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate 1st Class, Patiala and submitted a report dated 12.07.2023. The operative part of the same reads as under:-

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seem to have arrived at a voluntary compromise, which appears to be genuine and out of free will of the parties. Further, this Court has also been directed to furnish the information as under:

(1) Number of persons arrayed as accused in the FIR and those found involved during investigation.

- It is submitted that as per FIR, there is only one person arrayed as accused namely Gurpreet Singh Badhan. The statement of complainant also recorded in this regard.

(2) What is the status of the proceedings of the case/FIR.

- There are no remand papers pending with this Court till date.

(3) Whether any accused was declared proclaimed offender ?

- No accused has been declared as proclaimed offender.

(4) Whether the accused persons are involved in any other case or not ?

- Accused is not involved in any other case.

(5) Whether all the concerned have signed the compromise deed:

- All the concerned have signed the compromise deed Ex.PA.

(6) Whether the compromise is genuine, without any pressure or undue influence and voluntary ?

- It is hereby submitted that statements were recorded in which the complainant namely Jagir Singh Thind and the accused namely Gurpreet Singh Badhan through SPA Dhanwant Singh expressed themselves having reached a compromise. As such, the said compromise ex facie seems to be genuine, voluntary and without any pressure, threat, coercion, fraud or undue influence.

(7) How many victims/ complainants are there in the FIR.

As per statement of Investigating officer, Jagir Singh Thind is the only the victim/ complainant in the present FIR.”

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5. A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioner as well as respondent no. 2 with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no grievance shown by either of the parties against each other.

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, subject to costs of Rs. 25,000/-. Costs be deposited with Advocates Welfare Fund, Punjab and Haryana High Court Bar Association, Chandigarh.

18.07.2023
VS

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No