

CRM-M-28278-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(271)

CRM-M-28278-2023
Date of Decision:- 31.08.2023

Sukhpal Singh Sandhu @ Sukhpal Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Nargis, Advocate for
Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Anup Singh, DAG, Punjab
for State-respondent No.1.

Mr. Amit Rana, Advocate
for the 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.44 dated 15.03.2023, registered for offences under Sections 406, 420, 506 and 427 of the Indian Penal Code, 1860, at Police Station Pasyana, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise, Annexure P-2, arrived at between the parties.

2. Counsel for the petitioner submits that complainant lodged an FIR, Annexure P-1, on the allegation that the petitioner has defrauded him. Though, the petitioner bored a tubewell, but no underground water was found. Counsel submits that FIR is an outcome of a petty dispute, which has been amicably settled.

3. Upon instructions, State counsel submits that the matter is under investigation.

4. Counsel representing complainant-respondent No.2 submits that he does not have any objection in case the criminal proceedings are quashed.

5. Pursuant to order dated 31.05.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“1. Only Sukhpal Singh Sandhu is arrayed as accused in this case. There is no any other accused involved in the present case.

2. Neither the accused has been declared as Proclaimed Offender/person nor any proclamation proceedings is pending against him.

3. Compromise effected between the parties is genuine and voluntarily as per information given by both the parties.

4. Accused person is not involved in any other FIR as per the statement of the Investigating Officer.

5. Gurmeet Singh is victim/complainant of the present case.”

6. Heard counsel for the parties.

7. In view of the report given by the Trial Court and the judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another,***

2012(4) RCR (Criminal) 543 and a Full Bench of this Court in *Kulwinder Singh vs. State of Punjab and another*, 2007(3) RCR (Criminal) 1052, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

8. Accordingly, the petition is allowed. FIR No.44 dated 15.03.2023, registered for offences under Sections 406, 420, 506 and 427 of the Indian Penal Code, 1860, at Police Station Pasyana, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

31.08.2023
Kamal

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