

137

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

**CRM-M-29119-2023 (O&M)  
Date of decision : 18.08.2023**

Gurdeep Singh

... Petitioner(s)

**Versus**

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Ashish Gupta, Advocate,  
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Gurdeep Singh Bidhan, Advocate,  
for the respondent No.2.

**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 482 Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') praying for quashing of FIR No.269 dated 04.12.2015 (**P-1**), under Section 420 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Rajpura City, District Patiala, along with all consequential proceedings arising therefrom [including order dated 16.01.2019 (**P-2**) whereby, the petitioner was declared proclaimed offender] on the basis of compromise dated 15.02.2023 (**P-4**), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations against the petitioner are that he cheated the complainant, namely, Mohan Lal, to the tune of Rs.3,00,000/-.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 02.06.2023, passed the following order:-

*“Petitioner has approached this Court praying for quashing of FIR No.269 dated 04.12.2015, under Section 420 of IPC, at Police Station Rajpura City, District Patiala and also order dated 16.01.2019 whereby he has been declared proclaimed offender, on the basis of compromise dated 15.02.2023.*

*It has been contended by counsel for the petitioner that petitioner is the truck driver and he was declared proclaimed person in violation of the provisions under Sections 82/83 Cr.P.C. He further submits that the dispute between petitioner and the complainant was regarding the money transaction and now both the sides have amicably resolved the issue. He submits that as per the compromise arrived at between the parties, petitioner has paid the money to the complainant and thus, both have decided to bury the hatchet by not pursuing the proceedings in the FIR. He relies upon the judgment titled as **Gian Singh Vs. State of Punjab and another, 2012(4) RCR (Criminal) 543** and submits that the prosecution of the petitioner in the case would be nothing but an abuse of the process of the Court.*

*Notice of motion.*

*On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State. Mr. Gurdeep Singh Bidhan, Advocate accepts notice on behalf of respondent No.2 and has affirmed the submissions made by counsel for the petitioner that all the outstanding issues have been resolved. He further states that the petitioner is keen to appear before the trial Court if some protection is granted to him.*

*Learned State counsel, on instructions from HC Karnail Singh, has submitted that petitioner has been declared*

*proclaimed person vide order dated 16.01.2019 which is under challenge before this Court.*

*List on 03.08.2023.*

*In the meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 04.07.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.*

*Operation of the impugned order dated 16.01.2019 shall remain stayed.”*

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 25.07.2023 has been submitted in this regard by learned Sub Divisional Judicial Magistrate, Rajpura. The operative part of the same reads as under:-

*“ In view of the statements of both the parties compromise dated 15.02.2023 arrived between them appears to be genuine, voluntary and without any coercion, pressure and the compromise is not result of any fraud or misrepresentation. The compromise is result of free Will of parties.”*

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before

this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police officer 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 [including order dated 16.01.2019, whereby, the petitioner was declared proclaimed offender] are quashed qua the petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs.5,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

**18.08.2023**

*atulsethi*

**(MAHABIR SINGH SINDHU)**

**JUDGE**

***Whether speaking/ reasoned*** : ***Yes / No***

***Whether reportable*** : ***Yes / No***