

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

CRM-M-36828-2022(O&M)
Date of Decision: February 10, 2023

GURPREET SINGH AND ORS.

..... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mayur Karkara, Advocate for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. A.K. Singh, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioners pray for quashing FIR No.225, dated 23.12.2021, under Sections 406, 420, 465, 468, 471 of IPC, and 120-B IPC registered at Police Station Urban Estate, Patiala (Annexure P-1) along with all consequential proceedings arising out of the same, on the basis of compromise dated 30.06.2022 (P-2).

2. At the very outset learned counsel for the petitioners submits that he does not wish to press the present petition as regards petitioner No.4 who has not made herself available for the purpose of recording of her statement before the trial Court on the point of veracity of compromise entered into between the parties. The prayer is allowed at this stage with liberty to petitioner No.4 to approach this Court again as and when any amicable settlement is arrived at between the parties.

3. As per the allegations levelled in the FIR, the petitioners committed fraud and cheating against respondent No.2.

4. In pursuance to an order dated 22.08.2022 passed by this Court whereby, parties were directed to appear before the trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 08.09.2022 has been received from the concerned Court, stating that the compromise in the present case is valid, genuine, voluntary and without any pressure or coercion. There are fifteen accused persons out of which only four accused have approached this Court and there is one complainant namely Asad Shaheen. No accused has been declared as proclaimed offender.

5. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute being purely personal in nature, there does not appear to be any impediment for quashing of present FIR, in part, qua petitioner Nos.1-3. He also submits that even, 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 in question, qua petitioner Nos.1-3, on the basis of compromise entered into between the parties. As regards the partial quashing of FIR, the petitioner places reliance upon law laid down by the Hon'ble Supreme Court as well as this Court in judgments passed in **"Kartik and Ors. Vs. State of Punjab and Anr.**

In CRM-M-11672-2022, "Rajesh Rana and Ors. Vs. State of

Punjab and Anr. In CRM-M-42829-2021”, “Rajinder Singh Vs. State of Punjab and Anr. In CRM-M-37395-2016”, “Jayrasinh Digvijaysinh Rana Vs. State of Gujarat and Anr. 2012(4) R.C.R.(Criminal) 589”, “Amruth Kumar and Anr. VS. Smt. Chithra Shetty and Anr. 2010(4) R.C.R.(Criminal) 256”and “Parambir Singh Gill Vs. Malkiat Kaur 2010(1) R.C.R. (Criminal) 256”.

6. On the other hand, learned State counsel, on instructions, submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

7. I have heard learned counsel for the parties and gone through the records including the report dated 08.09.2022. 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 this 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”.**

8. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed. FIR No.225, dated 23.12.2021, under Sections 406, 420, 465, 468, 471 of IPC, and 120-B IPC registered at Police Station Urban Estate, Patiala (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioner Nos.1-3 only are hereby quashed.

9. Considering the delay in approaching this court at the hands of petitioners, the aforesaid order shall be subject to payment of costs of Rs.30,000/- to be deposited with the Punjab and Haryana high court Association Lawyer’s Welfare Fund having Account No. 41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

10.02.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>