

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

CRM-M-36867-2022

Date of Decision: 08.02.2023

Alamjit Singh Mann

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mandeep Singla, Advocate, for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J.

The present petition has been filed for quashing of complaint/Kalendra bearing No.CRM-197 of 2020 titled as State vs. Alamjeet Singh Mann, under Section 182 IPC. filed and presented against the petitioner by respondent No.2 on the recommendation of SIT constituted to investigate the FIR No.31 dated 21.02.2018, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station Dera-Bassi and all the subsequent proceedings arising therefrom on the basis of the compromise dated 16.07.2022 (Annexure P-4).

Brief facts of the case are that the petitioner lodged complaint No.12/5D/PS Dera-Bassi dated 14.01.2018 against one Jagpal Singh President, Jagjeet Singh Secretary, Mohinder Pal Singh and other members of the Singhpura Co-operative House Building Society Limited Society, Zirakpur and other persons namely, Amit Diwan, Rakesh Wadhawan and Suresh Khanna on the allegations that the said society through General Power of Attorney Mohinder Pal Singh had agreed to sell 41 bighas and 11 biswas of land for Rs.17 lacs per acre and the date for execution of the sale deed was fixed as 15.12.2004. Thereafter, Mohinder Pal Singh executed another agreement to

sell dated 24.05.2005 with one Harpreet Singh and received Rs.5 lacs from him. Thereafter, the society got registered an FIR No.218 dated 08.06.2006, under Section 406, 420 IPC, at Police Station Dera Bassi against Mohinder Pal Singh just to save the land from being sold. The society in connivance with Suresh Khanna entered into a joint venture agreement with Amit Diwan and Rakesh Wadhawan. Thus, the society members used the forged papers to get it re-registered in the year 2009. On the basis of the complaint, FIR in question was registered. The accused persons were arrested. First investigation was carried out by ASI and thereafter, on representation made by Amit Dhawan etc. the investigation was marked to DSP (Investigation), Mohali, who ultimately recommended cancellation of the FIR in question by concluding that the facts mentioned therein can be investigated in the FIR already registered i.e. FIR No.264 dated 08.11.2017, which was got registered by the petitioner against Mohinder Pal Singh by filing a petition under Section 156(3) Cr.P.C. in the Court. Then on the application of the petitioner, SIT was formed by SSP, Fatehgarh Sahib. The said SIT after investigation of the case reiterated the conclusion drawn by DSP, Mohali and recommended cancellation of the present FIR and also recommended to initiate the proceedings under Section 182 IPC against the petitioner. Thereafter, cancellation report was submitted and the present complaint/Kalendra under Section 182 IPC was presented against the petitioner before the Court of learned SDJM, Dera-Bassi.

Learned counsel for the petitioner has contended that the matter in FIR No.264 dated 08.11.2017 was amicably resolved and on the basis of the settlement both the parties approached this Court by way of filing of quashing petition and the said FIR was quashed on the basis of the same. He has further submitted that during the investigation of FIR No.31 dated 21.02.2018, i.e. the present FIR, SIT recommended filing of Kalendra under Section 182 IPC

against the petitioner alleging that he had lodged false FIR. He has further submitted that the parties were litigating for the last more than 18 years and ultimately they have entered into compromise and have opted to live in peace. He submits that as all the matters between the parties stand compromised so the Kalendra filed by the State is liable to be quashed.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has lodged a false case and has set the State machinery in motion who after investigation found the case to be false one. He has submitted that by lodging a false case the petitioner has not only harassed the person named as accused therein, but has also burdened the Investigating Agency with the load of investigation. He has not denied the factum of settlement between the parties.

Heard.

As is evident from the record, the parties were litigating since long and ultimately a good sense has prevailed upon them and they have compromised the matter and have decided to bury the hatchet. In these circumstances, the continuation of proceedings under Section 182 IPC would not serve any purpose. This is true that the petitioner has set the State machinery in motion by lodging the said FIR, which was ultimately found to be false for which the petitioner should be burdened with costs. The petitioner has already deposited costs of Rs.50,000/- with the Poor Patients' Welfare Fund, PGIMER, Chandigarh as directed by this Court vide order dated 01.02.2023. Receipt of same has been placed on record. Taking into consideration all the above said facts cumulatively, this Court is of the opinion that continuation of the complaint/Kalendra would not serve any purpose.

Consequently, the petition is allowed and complaint/Kalendra bearing

No.CRM-197 of 2020 titled as State vs. Alamjeet Singh Mann, under Section 182 IPC, is quashed.

08.02.2023		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No