

237 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45143-2022

DATE OF DECISION:-29.05.2023

Jagdish Singh and another

...Petitioners.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prashant Vashisth, Advocate,
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Sahit Thakur, Advocate for
Mr. Manuj Nagrath, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

1. By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.101 dated 27.06.2020, under Sections 420/120-B IPC, registered at Police Station Jamalpur, Ludhiana City (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 01.07.2022 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioners along with their co-accused, duped the complainant of his hard earned saving and forcibly dispossessed him from the plot. Though, as per FIR, there are total 5 accused, however, only two accused i.e. the present petitioners, namely, Jagdish Singh and Rama Tak have approached this Court. Accused-Tilak Raj has expired.

3. Learned counsel for the petitioners submits that petitioner No.2

has also expired, thus, the petition qua her be abated.

In view of the statement made by learned counsel for the petitioners, the petition qua petitioner No.2 stands abated.

4. In pursuance to an order dated 28.04.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 25.05.2023 has been received from the concerned court, stating that compromise between the parties is genuine and is effected voluntarily without any pressure, coercion or undue influence from any quarter. No accused has been declared as proclaimed offender.

5. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against petitioner No.1; there does not appear to be any impediment as regards quashing of present FIR qua petitioner No.1. Even otherwise, 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 on the basis of compromise entered into between the parties.

5. 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 the 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.

6. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysingh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.101 dated 27.06.2020, under Sections 420/120-B IPC, registered at Police Station Jamalpur, Ludhiana City (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua petitioner No.1.

8. Accordingly, petition stands allowed qua petitioner No.1 only subject to payment of costs of Rs.10,000/- to be deposited with the Punjab Legal Services Authority, within a period of two weeks from today.

29.05.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No