

257 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48345-2022

DATE OF DECISION:-19.01.2023

Ram Singh

...Petitioner.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bhavesh Aggarwal, Advocate for the petitioner.

Mr. Ravinder Singh, AAG, Punjab

Mr. Kishan Garg, Advocate for
Mr. Shubham Mehta, Advocate,
respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.175 dated 27.07.2018, under Sections 420, 406 and 120-B IPC, registered at Police Station City Gurdaspur, District Gurdaspur (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 01.10.2018 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioner in connivance with other accused persons received a sum of Rs.10,43,578/- from the complainant on the pretext of sending her son to America.

3. In pursuance to an order dated 18.10.2022 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regard the veracity of the compromise arrived at

between them, report dated 08.12.2022 has been received from the concerned court, stating that the compromise is genuine, voluntarily and without any coercion or undue influence and has been arrived at between the parties out of their free will. There are total 03 accused, namely Jatinder Kumar, Ram Singh and Balbir Kumar, in the present FIR, but only Ram Singh has approached this Court and made statement before the trial court regarding compromise with complainant, who has no objection, if the FIR against the present petitioner is quashed. There is no other criminal case pending against the petitioner.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 have no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear any impediment as regards quashing of present FIR. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences has 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.

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh 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.

6. 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 FIR No.175 dated 27.07.2018, under Sections 420, 406 and 120-B IPC, registered at Police Station City Gurdaspur, District Gurdaspur (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

7. Accordingly, petition stands disposed of but subject to deposit of a sum of Rs.15,000/- by the petitioners within a period of two weeks from today in the following account:-

Account Name – Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.-41564846387
Bank Name- SBI High Court Branch.

19.01.2023

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(HARKESH MANUJA)
JUDGE

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