

**123 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-52610-2022 (O&M)
Date of Decision: 04.09.2023**

Gurmail Singh Nijjar @ Gurmail Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Krishan Kanha, Advocate for
Mr. N.S. Lucky, Advocate,
for the petitioner.

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

Mr. D.S. Virk, Advocate
for respondent Nos.2 and 3.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.7 dated 16.01.2022 under Sections 406, 420 & 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*') at Police Station Adampur, District Jalandhar, along with all consequential proceedings arising therefrom on the basis of compromise (**P-2**), entered into between the parties i.e. petitioner as well as respondent Nos.2 and 3.

2. Above FIR was lodged on the statement of Sh. Mukesh Arora with the allegations that petitioner agreed to sell the land, which he had purchased from one Jagir Kaur to the complainant and received earnest money of Rs.15 lacs, but refused to execute the agreement; hence defrauded him.

3. The Co-ordinate Bench on 09.03.2023, passed the following order:-

“Through the present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No.7 dated 16.01.2022 registered under Sections 406, 420 and 120-B IPC at Police Station Adampur, District Jalandhar Rural on the strength of a written compromise dated 16.09.2022 (Anne xure P-2) entered into between the parties.

The petitioner as also respondents No.2 and 3 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 20.03.2023 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 12.07.2023. ”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Jalandhar, and submitted a report dated 24.05.2023. The operative part of the same reads as under:-

“Further, I have also examined the parties in person and I am of the opinion that the parties have entered into the compromise voluntarily and without any pressure or coercion from any quarter. As such, in view of the statements of the parties as well as after their examination in the Court, I am of the view that compromise has been validly effected between the parties to the above said in FIR as per their free will and without any kind of pressure, threat or undue influence.”

5. A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides 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 each others.

6. Learned State Counsel, on instructions from the police official 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 are quashed qua the petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs. 20,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

04.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No