

243 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46272-2019

DATE OF DECISION:-25.04.2023

Amarjit Singh Deol and others

...Petitioners.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sukhjit Singh, Advocate for the petitioners.

Mr. Vinay Kumar Gupta, AAG, Punjab.

Ms. Arshdeep Kaur, Advocate for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.100, dated 12.10.2013, under Sections 420, 120-B IPC (Section 419 IPC added later on) registered at Police Station Hathur, District Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. The FIR in question, appears to be an offshoot of matrimonial dispute between the parties and the allegations against the petitioners are that they committed fraud with respondent No.2 and her parents. However, with the intervention of respectables, the matter has been compromised.

3. Reply by way of affidavit of Rachhpal Singh, PPS, DSP, Raikot District Ludhiana (Rural) on behalf of respondent-State has been filed in Court today and the same is taken on record.

4. In pursuance to order dated 31.01.2020 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 24.06.2021 has been received from the concerned court, stating that matter has been compromised between complainant-Kulwinder Kaur and accused persons, namely, Amarjit Singh Deol (through power of attorney holder, Swaranjit Kaur), Karamjit Singh, Rajdeep Singh, Bahadur Singh, Amarjit Kaur, Kulwant Singh, Jabar Singh and Fakir Singh and the same is result of free volition of the parties and without any threat or pressure and accused-Amarjit Singh Deol is proclaimed offender.

5. Though, in the report submitted by the trial court, it has been mentioned that petitioner No.1 was declared as proclaimed offender, however, on instructions from ASI Surjit Singh, Police Station Hathur, learned State counsel submits that there is no such order on the file of the trial court as perhaps proceedings under Section 82 Cr.P.C. were initiated against petitioner No.1, though not culminated and that is why the date of any such order was not mentioned in the report.

6. Thus once, the 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; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. 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.

7. 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*.

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 FIR No.100 dated 12.10.2013, under Sections 420, 120-B IPC (Section 419 IPC added later on) registered at Police Station Hathur, District Ludhiana (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

9. Accordingly, petition stands allowed subject to payment of costs of Rs.30,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

25.04.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No