

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

CRM-M-46513-2019 (O&M)

Date of Decision: January 20, 2023

Kuldeep Singh @ Karamjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

None for respondent No.2.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash FIR No.121 dated 11.08.2009, registered at Police Station City SBS Nagar, District SBS Nagar, under Sections 406/420/34 of IPC and all the subsequent proceedings arising therefrom.

2. It is contended that respondent No.2-complainant Jatinder Singh got lodged the FIR in question by alleging that petitioner Kuldeep Singh @ Karamjit Singh, his father Balwinder Singh and another person, namely, Suresh Kumar had taken an amount of ₹8,00,000/- from him in lieu of sending him to New Zealand. The amount was given to the travel agent Suresh Kumar. However, neither the son of the complainant was sent to abroad nor money was returned.

3. It is contended further that during investigation, Balwinder Singh was taken into custody, whereas petitioner Kuldeep Singh @ Karamjit Singh was abroad at that time. He was declared proclaimed offender. On behalf of both of them, a compromise was effected by

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Harminder Singh with complainant-respondent No.2 Jatinder Singh for an amount of ₹2,50,000/-, which was duly paid to him, with the further understanding that matter shall be kept pending against travel agent Suresh Kumar and that both of them i.e. the petitioner and his father will help the complainant in tracing the main agent. It was also agreed that as and when the petitioner comes from abroad, complainant will be bound to give testimony before the Court to get him acquitted. Co-accused/ father of the petitioner, namely Balwinder Singh filed CRM-M No.28425 of 2017 for quashing the FIR qua him on the basis of above said compromise. Said petition was allowed on 25.01.2018.

4. After coming from abroad, petitioner filed quashing petition bearing CRM-M-25089-2019, wherein parties were directed to appear before the Trial Court for getting their statements recorded on 12.06.2019, vide order dated 30.05.2019. However, complainant refused to appear and so the petition was dismissed as withdrawn on 24.07.2019.

5. It is submitted by the petitioner that respondent No.2- Jatinder Singh has since expired. Despite the fact that he had received the entire amount as per compromise, his family members are refusing to make a statement before the Trial Court and they are raising demand for more money.

6. Notice of motion was issued. Despite service of respondent No.2 through his father, no representation has been made on his behalf.

7. Having considered submissions of learned counsel for the petitioner, I find merit in the present petition for quashing the FIR in question and all the subsequent proceedings arising therefrom.

8. In “**Ram Lal and others vs State of Haryana and another**”, 2008(2) R.C.R. (Criminal) 823, it has been held by this Court (a coordinate Bench) that when the parties entered into a compromise but complainant backs out from the same, the FIR is liable to be quashed in such like situations. It will be apt to reproduce the relevant paragraph, which is as under:-

*“4. Learned counsel for the petitioners by placing reliance upon the judgment of Hon'ble Supreme Court in the case of **Mohd. Shamim v. Smt. Nahid Begum, 2005 (1) RCR (criminal) 697: 2005(1) Apex Criminal 299 (SC)** contends that in view of the compromise having been entered into between the parties and amount having been received by the complainant, the continuation of proceedings is nothing but misuse of the process of the Court. The Hon'ble Supreme Court has been pleased to observe as under:-*

*14. This Court in **Ruchi Agarwal vs. Amit Kumar Agrawal & Ors. [2004 (8) Supreme 525]**, in almost a similar situation has quashed a criminal proceeding against the husband, stating : “....Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents. 8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue....”*

Same view has also been taken by a co-ordinate Bench of this Court in “**Davinder Vaid vs State of Punjab and another**” (CRM-M-2832-2017, decided on 04.10.2017).

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9. In the present case, the compromise effected between the parties on 21.07.2017, copy of which is Annexure P-2, reveals that respondent No.2-complainant Jatinder Singh had received the full settlement amount of ₹2,50,000/- from party No.2 i.e. Balwinder Singh S/o Pyara Singh and his son Kuldeep Singh @ Karamjit Singh i.e. petitioner of this case. It is revealed further that compromise was effected on behalf of both of them by Harminder Singh, as at that time Balwinder Singh was confined in jail, whereas petitioner Kuldeep Singh @ Karamjit Singh had gone abroad.

10. In view of the aforesaid circumstances, the ratio of ***Ruchi Aggarwal's*** case (*supra*) and the view taken by this Court in ***Ram Lal's*** case (*supra*) is fully applicable to the facts of the present case.

11. Consequently, in the light of compromise (Annexure P-2), FIR No.121 dated 11.08.2009, registered at Police Station City SBS Nagar, District SBS Nagar, under Sections 406, 420 and 34 of IPC and the subsequent proceedings arising therefrom, are hereby quashed.

Disposed of accordingly.

January 20, 2023
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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No