

CRM-M-54172-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(297-3)

CRM-M-54172-2023

Date of Decision:- 14.12.2023

Manpreet Singh Brar and others

...Petitioners

VERSUS

U.T.Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Davinder Singh, Advocate for the petitioners.

Mr. Manish Bansal, P.P., U.T., Chandigarh with
Mr. Ankush Singla, Advocate for U.T.-respondent.

Mr. Jaskaran Singh, Advocate for the respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

1. At the outset, counsel for the petitioners submits that as petitioner No.3 is not an accused, he seeks and is granted permission to withdraw the petition in so far as petitioner No.3 is concerned.
2. Dismissed as withdrawn qua petitioner No.3.
3. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.137 dated 08.08.2023, registered for offences under Sections 406, 420, 467, 468, 471 and 120-B, IPC, however, Section 24 of the Emigration Act, 1983 was added later on, at Police Station Central, Sector 17, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 15.10.2023, Annexure P-2, arrived at between the parties.

4. Counsel for the petitioner submits that FIR is an outcome of a misunderstanding between the parties, which has been removed and the entire money allegedly entrusted to the petitioner has been returned to the complainant in terms of the settlement.

5. Learned Public Prosecutor has opposed the prayer by submitting that petitioner is involved in some other cases with almost similar allegations.

6. Counsel representing respondents No.2 and 3 has, however, supported the prayer made in the petition.

7. Countering the submissions of the State counsel, counsel for the petitioner submits that the dispute in most of the cases has been amicably resolved with the complainant and petitions for quashing have been separately instituted.

8. Heard counsel for the parties.

9. Pursuant to order dated 30.10.2023 passed by this Court, report has been received from the learned Judicial Magistrate, relevant extract of which is as under:-

“3. In view of above statements, compromise as effected between the above named complainant/ respondents and accused/petitioners Manpreet Singh Brar and Ravinder Singh appears to be genuine and effected without any fear, pressure or undue influence. As per statements of Investigating Officer, four accused namely Manpreet Singh Brar, Ravinder Singh @ Ravi Saab, Jyoti Mehra and Pushpinder Kaur have been implicated as accused and accused Pushpinder Kaur is yet to be arrested. Petition before the Hon'ble High Court has been filed by accused Manpreet Singh Brar and Ravinder Singh. None of the

accused has been declared proclaimed offender. Further, accused Manpreet Singh Brar and Ravinder Singh are involved in four other FIRs, as detailed above, and there is one complainant namely Sh. Gurcharan Singh and one victim namely Ms. Simran and they have been arrayed as respondents in the petition filed before Hon'ble High Court....”

10. In view of the report given by the learned Magistrate and the judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would bring an end to the animosity enabling the parties to lead a harmonious and peaceful life.

11. Accordingly, petition is allowed. FIR No.137 dated 08.08.2023, registered for offences under Sections 406, 420, 467, 468, 471 and 120-B, IPC, wherein, Section 24 of the Emigration Act, 1983 was added later on, at Police Station Central, Sector 17, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners No.1 and 2.

(SUVIR SEHGAL)
JUDGE

14.12.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No