

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(255)

CRM-M-57647-2022
Date of Decision: 17.01.2023

Baldev Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arshdeep Singh Brar, Advocate, for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. C. S. Jattana, Advocate, for respondent No.2.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.10 dated 03.11.2020, registered under Sections 420, 34 IPC at Police Station NRI, District Moga (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 05.11.2022 (Annexure P-2).

2. As per allegations levelled in the FIR, the petitioners had taken amount from the complainant on the pretext to take him abroad by performing marriage with the petitioner No.2 but after marriage, petitioners have not done so and threatened the complainant and his family to implicate them in false case

3. In pursuance to an order dated 12.12.2022 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 17.12.2022 has been received from the concerned

court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or under influence. There is no other accused except the present petitioners and there is complainant namely, Rajinder Singh. No accused has been declared as proclaimed offender. The stage of trial was fixed for evidence of prosecution.

4. Learned counsel for the petitioners submits that once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard quashing of FIR as well as other subsequent proceedings arising out of the same against the petitioners, the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He further submits that 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.

5. On the other hand learned State counsel submits that the petitioners have cheated the complainant.

6. Having heard learned counsel for the parties, they having settled their dispute so as to live peacefully 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 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.***

7. 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 judgment, FIR No.10 dated 03.11.2020, registered under Sections 420, 34 IPC at Police Station NRI, District Moga (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed.

8. Accordingly, petition stands disposed of but subject to deposit of a sum of Rs.20,000/- by the petitioners within a period of two weeks from today in the following account:

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

Petition stands disposed of

(HARKESH MANUJA)
JUDGE

17.01.2023
anil

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