

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.311

Case No. : CRM-M-59452-2022

Date of Decision : May 25, 2023

Aman Jain

.... Petitioner

vs.

State of Punjab and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Aashish K. Singh, Advocate
and Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Tegbir Singh Hundal, AAG, Punjab.

Mr. Gurpreet Thind, Advocate
for respondent no.2.

* * *

GURBIR SINGH, J. :

The instant petition is for quashing of FIR No.79 dated 24.11.2021, under Sections 420, 406, 467, 468, 471, 120-B IPC, registered at Police Station City Raikot (Annexure P-1), District Ludhiana (Rural), qua the present petitioner and all the subsequent proceedings arising therefrom, on the basis of compromise dated 07.03.2022 (Annexure P-2) effected between the parties.

On 05.01.2023, following order was passed by this Court :-

*“By filing this petition, quashing of
FIR No.79 dated 24.11.2021 under Sections 420,
406, 467, 468, 471, 120-B IPC, registered at
Police Station City Raikot, qua the petitioner and
all subsequent proceedings arising therefrom on*

the basis of compromise dated 07.03.2022 (Annexure P-2) effected between the parties.

Notice of motion.

On asking of the Court, Mr. Jaiteshwar S. Bhandari, AAG, Punjab and Mr. G.S. Thind, Advocate, accept notice on behalf of respondent No.1-State and respondent No.2 respectively.

Parties shall appear before concerned Illaqa/Duty Magistrate within one month. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof. The original compromise shall be produced before Illaqa/Duty Magistrate. In the event of their statements being recorded, Illaqa/Duty Magistrate will send copies of the same to this Court before the next date of hearing along with his report:

- i) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- ii) whether challan is presented in the Court? If so, against how many accused;*
- iii) status/stage of the trial/case;*
- iv) whether any of the accused was declared proclaimed offender at any stage of trial;*
- v) how many accused are facing the trial;*
- vi) whether any accused is yet to be challaned;*
- vii) to record the statement of Investigating Officer with regard to points No. (ii),(iii),(iv), (v) and (vi) as*

*above.
Report be sent through District and
Sessions Judge, before the next date of hearing.
To come up on 18.05.2023.”*

In response to the afore-said order, report from learned Judicial Magistrate Ist Class, Jagraon, duly forwarded by learned District and Sessions Judge, Ludhiana, has been received. The relevant extract of the said report is as under :-

“1. In reference to your honour’s order dated 05.01.2023 passed by Hon’ble Mr. Justice Gurbir Singh, Judge, Punjab and Haryana High Court, Chandigarh, in the subject cited above Criminal Miscellaneous, it is most respectfully submitted that Hon’ble Justice Gurbir Singh, Judge, Punjab and Haryana High Court, Chandigarh has passed an order dated 05.01.2023 for recording statements of parties in the above said Criminal Miscellaneous.

2. In pursuance of the order passed by the Hon’ble Court in the above mentioned Criminal Miscellaneous, I have the honour to submit that on 17.01.2023, accused/petitioner Aman Jain and complainant Ramesh Jain appeared before the court of the undersigned. The statement of respondent/complainant Ramesh Jain was got recorded to the effect that the matter has been compromised between the accused and the complainant. The petitioner Aman Jain also got recorded his statement to the effect that the matter has been compromised between him and the complainant. They produced the original

compromise before the court and placed on record photocopy of compromise as Ex.P1. Both of them stated that the compromise has been effected voluntarily without any pressure, coercion and undue influence.

3. *I have the honour to submit that I have gone through the statements given by the parties and asked various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise has been effected between the parties and is without any pressure, coercion, threat or undue influence. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. As directed by your goodself the report is as under :-*

1. *The statement of complainant Ramesh Jain and accused Aman Jain has been recorded and compromise is genuine, voluntarily made, without any threat, coercion and out of free will of the parties.*
2. *As per the statement of the concerned IO, Challan has not been presented in the present case.*
3. *The case is fixed for awaiting of Challan as challan has not been presented in the present FIR.*
4. *None of the accused is proclaimed offender as per the statement of the concerned IO.*
5. *No accused is facing trial as challan has not been presented before the*

court.

6. *As per the statement of the IO there are four accused in the present FIR namely Nilesh Raj, Sunny Katiyal, Aman Jain and Junaid Salman. Nilesh Raj and Junaid Salman are yet to be arrested. Challan has not been presented in the present FIR. Investigation is pending in the present FIR. None of them is declared proclaimed offender.*

Report is submitted for your kind perusal.”

Learned counsel for the petitioner has submitted that the case was registered against four accused. Petitioner is owner of the Company. Other accused were employees. In order to save the dignity and reputation of the Company in the market, petitioner has amicably settled the matter with respondent no.2. An amount of Rs.45 lakhs has already been paid to respondent no.2.

Learned counsel for the petitioner has relied on a judgment passed by Delhi High Court in case **Poonam Khanna vs. State and others – 2018(2) AD (Delhi) 372**, there was compromise between the offender and the victim. The FIR was quashed only against the petitioner therein on the ground that no useful purpose would be served by keeping the FIR pending against the petitioner therein.

Keeping in view the fact that the complainant-respondent no.2 has already received the entire amount and has amicably settled the matter with the petitioner and case against the remaining accused persons would not

be adversely effected, even if this petition is allowed, the petition in hand for quashing the FIR is allowed.

Accordingly, FIR No.79 dated 24.11.2021, under Sections 420, 406, 467, 468, 471, 120-B IPC, registered at Police Station City Raikot, District Ludhiana (Rural) (Annexure P-1), along with all the subsequent proceedings arising therefrom, is hereby quashed qua the present petitioner only.

May 25, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.