

CRM-M-56383-2023
Date of decision: 19.12.2023

Gaurav Kumar and anotherPetitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Soi, Advocate
for the petitioners.

Mr. I.P.S.Sabharwal, DAG, Punjab.

Mr. Shubham, Advocate for
Mr. Mandeep, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0066 dated 03.09.2022 under Sections 406/420 of IPC registered at Police Station Sadar Rajpura, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 30.10.2023 (Annexure P-2).
2. The FIR has been registered on the statement of complainant Lakhmir Singh that an agreement to send his children to Canada was entered into by the present petitioners and other accused and a deal of Rs.22 lakh was settled in this regard. It is further alleged that the accused persons have duped him on the pretext of sending his children to Canada. Now with the

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intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Learned counsel for the petitioners relies upon the judgment of this Court in 'Parambir Singh Gill Vs. Malkiat Kaur' 2010(1) RCR (CrI.) 256 and 'Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another' 2012(4) RCR (CrI.) 589 to contend that the partial compromise with some of the accused is permissible.

4. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the learned Judicial Magistrate 1st Class, Rajpura, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. The learned State counsel submitted on instructions from the Investigating Officer admitted the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably

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settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Parambir Singh Gill (*supra*)**, **Jayaraj Singh Digvijay Singh Rana (*supra*)**, **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No.0066 dated 03.09.2022 under Sections 406/420 of IPC registered at Police Station Sadar Rajpura, District Patiala (Annexure P-1) and all subsequent proceedings arising out of the same are quashed *qua* the petitioners only.

(HARPREET SINGH BRAR)
JUDGE

19.12.2023
Neha

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