

268      IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH  
CRM-M-59632-2022 (O&M)  
Date of Decision: 16.11.2023

IREO WATERFRONT PVT. LTD. AND ORS.

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Madhur Sharma, AAG Punjab.

Mr. Rohit Kaushik, Advocate for the complainant.

Mr. P.S. Sekhon, Advocate for the applicant in CRM-48249-2023.

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**HARPREET SINGH BRAR J. (Oral)**

**CRM-48249-2023**

This is an application under Section 482 of Cr.P.C. seeking impleadment of the applicant namely 'Madan Lal son of Rattan Chand' as respondent No. 3 in the aforesaid petition.

Learned counsel for the applicant contends that the applicant is a necessary party in the petition and he should be impleaded as respondent.

Having heard learned counsel for the applicant, this Court is of the view that the prayer of learned counsel for the applicant cannot be accepted as he is neither the complainant nor a witness in the present case, which could be covered under the definition of 'victim' in the present FIR. Therefore, he has an independent cause of action, he is permitted to raise his grievance before the concerned quarter by invoking appropriate proceedings in accordance with law.

In view of the discussion made hereinabove, present petition is

dismissed with liberty as aforesaid.

**CRM-M-59632-2022**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 151 dated 13.08.2019 registered under Sections 406, 420 read with Section 120-B of Indian Penal Code at Police Station Dakha, Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 28.01.2021 (Annexure P-2).

2. The FIR has been registered on the statement of complainant- that the petitioners No. 2 and 3 have allured the public at large by making publications in the leading News Papers that it is coming up with a Mega Project of Housing and Commercial Complex on Canal Road, Near Village Birmi and Dewatwal, District Ludhiana and earnest money amounting to Rs. 5,00,00,000/- was paid from personal account of the complainant vide Cheque No. 1406 dated 24.04.2017 and later on again a sum of Rs. 2.5 Crore was paid by the complainant vide cheque No. 1254 dated 27.07.2017 drawn on HDFC Bank and the land which was agreed to be sold has not been developed till date. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. 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 dated 27.10.2023 has been received from Judicial Magistrate First Class, Ludhiana stating that the compromise arrived at between the parties is without any pressure or

coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer along with learned counsel for the complainant 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.

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

6. In a decision, based on compromise, none of the parties is a loser. Rather, 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 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.....”*

7. 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 **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

CRM-M-59632-2022 (O&M)

**Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 1052**, this petition is allowed and FIR No. 151 dated 13.08.2019 registered under Sections 406, 420 read with Section 120-B of Indian Penal Code at Police Station Dakha, Ludhiana and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

8. Pending CRM(s), if any, also stands disposed of.

16.11.2023  
*Ajay Goswami*

(HARPREET SINGH BRAR)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |