

249 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54765-2018 (O&M)
DATE OF DECISION:-19.01.2023

Avtar Singh and others

...Petitioners.

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mohit Garg, Advocate for the petitioners.

Mr. Ravinder Singh, AAG, Punjab

Mr. Sanjay Singh, Advocate for
Mr. Rameshwar Singh, Advocate,
respondent No.2.

None for respondent No.3.

None for the applicant (in CRM-5868-2019).

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.147 dated 04.07.2017, under Sections 406, 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station City Kharar (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 04.12.2018 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioners cheated the complainant by playing fraud and sold the residential plot with total sale consideration of Rs.70 lacs.

3. In pursuance to an order dated 11.12.2018 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of the compromise arrived at between them, report dated 14.01.2019 has been received from the concerned court, stating that the compromise is genuine, voluntarily and has been arrived at between the parties out of their free will. There are total 10 accused in the present FIR, but Kirpal Singh has not approached this Court, besides there being two complainants, who have no objection, if the FIR against the accused persons is quashed. No accused has been declared as proclaimed offender. There is no other case pending against the petitioners.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 have no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences has 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. The parties having settled their dispute so as to live in peace 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 even found to be fully in consonance with the directions issued by this 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.

Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 also submits that partial quashing of the FIR is even permissible on the basis of a compromise.

6. 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 judgments, the FIR No.147 dated 04.07.2017, under Sections 406, 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station City Kharar (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

7. Though, application bearing CRM-5868-2019 has been moved on behalf of applicant-Kirpal Singh, for impleading as party-petitioner in the present case, however, neither anyone appeared on his behalf nor even his statement was ordered to be recorded before the trial court.

8. Considering the aforesaid, Kirpal Singh, shall be at liberty to approach this Court again by filing a separate petition, if so, advised.

9. Accordingly, petition stands disposed of but subject to deposit of a sum of Rs.50,000/- by the petitioners within a period of two weeks from

today in the following account:-

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

19.01.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No