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**THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M No.6432 of 2024  
Date of Decision: 15.10.2024**

**Paramjit Singh and others****..... Petitioners****Versus****State of Punjab and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present: Mr. Prabhjot Singh, Advocate and  
Mr. Sachin Bhardwaj, Advocate  
for the petitioners (through video conferencing).

Mr. J. S. Arora, DAG, Punjab.

None for respondent No.2.

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**RAJESH BHARDWAJ, J. (ORAL)**

1. Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.40, dated 27.04.2019 (Annexure P-1), under Sections 457/380/447/511/427 of Indian Penal Code, 1860, registered at Police Station Sudhar, District Ludhiana Rural along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) effected between the parties. Further prayer has been made for staying the proceedings arising out of abovesaid FIR during the pendency of the present petition.

2. FIR in question was got registered by complainant-respondent No.2 and the investigation commenced thereon. However,



with the intervention of respectables, finally the parties arrived at settlement and they resolved their *inter se* dispute, which is apparent from Compromise Deed, annexed as Annexure P-2. On the basis of the compromise, the petitioners are invoking the inherent power of this Court by praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court and thus, the FIR in question and all the subsequent proceedings arising therefrom may be quashed in the interest of justice as the petitioners in pursuance to the compromise dated 29.06.2020 have already paid the agreed amount of Rs.4,00,000/- vide DD No.800367.

3. This Court vide order dated 07.02.2024, after issuance of notice of motion, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements, as contended before the Court, and the trial Court/Illaq Magistrate was also directed to send its report.

4. In pursuance to the same, learned Judicial Magistrate First Class, Jagraon has sent the report dated 20.02.2024 to this Court. It has been mentioned in the report that none of the parties appeared before the trial Court for recording of their statements.

5. It has been submitted by learned counsel for the petitioners that the petitioners before this Court are the landlords whereas respondent No.2 was their tenant. He has submitted that FIR was registered by respondent No.2 with an ulterior motive, however the same was amicably resolved thereafter by way of compromise (Annexure P-2). He has



submitted that the compromise was arrived at between the parties on the basis of terms and conditions mentioned therein and the petitioners have duly complied with the same. He has submitted that thereafter respondent No.2 was to give the statement regarding quashing of the present FIR. However he has submitted that after the petitioners have complied with the terms and conditions of the compromise, respondent No.2 neither appeared before the trial Court for recording of his statement in support of the compromise nor had appeared before this Court. He has submitted that respondent No.2 has intentionally backed out of the compromise after the petitioners have duly acted upon the same. He has relied upon the judgment passed by Hon'ble the Supreme Court in '**Mohd. Shamin vs. Smt. Nahid Begum**', 2005 AIR (Supreme Court) 757 and by this Court in '**Sandip Somany vs. State of Haryana and another**', 2016(2) Law Herald 1305 in support of his case.

6. Learned counsel for respondent No.2 has not appeared despite service through wife.

7. Heard.

8. Under these circumstances, the complainant cannot be allowed to back out of the compromise especially when the petitioners have already performed their part as agreed in the compromise. This Court finds that resiling from the compromise by the complainant is immaterial and the continuation of the present case would be an abuse of the process of the Court.



9. The Coordinate Bench of this Court in the case of ***Ram Lal and others Vs. State of Haryana and another***, 2008(2) RCR (Criminal) 823, has held that when the parties have entered into a compromise, and the complainant has backed out from the same, the FIR is liable to be quashed in such like situation. The relevant paragraph of the said judgment reads as under:

*“4. Learned counsel for the petitioners by placing reliance upon the judgment of Hon'ble Supreme Court in the case of Mohd. Shamim Vs. Smt. Nahid Begum, 2005(1) RCR (Criminal) 697: 2005(1) Apex Criminal 299(SC) contends that in view of the compromise having been entered into between the parties and amount having been received by the complainant, the continuation of proceedings is nothing but misuse of the process of the Court. The Hon'ble Supreme Court has been pleased to observe as under:-*

*14. This Court in Ruchi Agarwal Vs. Amit Kumar Agrawal and others, 2004(4) RCR (Criminal) 949(SC):2004(8) Supreme 525, in almost a similar situation has quashed a criminal proceeding against the husband, stating “Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.*

*8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the Court if the criminal proceedings from which this appeal arises is allowed to continue.”*

10. In view of the abovesaid facts and circumstances of the case and the law settled in the abovesaid judicial precedent, the present



petition is allowed. FIR No.40, dated 27.04.2019, under Sections 457/380/447/511/427 of Indian Penal Code, 1860, registered at Police Station Sudhar, District Ludhiana Rural (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioners, namely, Paramjit Singh, Parminder Singh, Tejaspal Singh, Manmohan Kaur and Meenu on the basis of compromise.

(RAJESH BHARDWAJ)  
JUDGE

15.10.2024  
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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No