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

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Date of decision : 30.08.2024

Gaurav Sharma

..... Petitioner

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Sachin Kalia, Advocate for
Mr. R.S.Bajaj, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI J.

1. Gaurav Sharma filed this petition under Section 482 Cr.P.C. for quashing of FIR No.518 dated 14.10.2017, under Sections 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Civil Lines, District Amritsar (Annexure P-2) and all subsequent proceedings arising therefrom or any other order or direction which the Court may deem fit and proper in the facts and circumstances of the case.

2. As per facts of the case, a written complaint was filed by Gian Singh against Harbhajan Kaur and Jagdeep Singh alleging that he retired from CID Wing of Punjab Police as Sub Inspector. His wife Narinder Kaur expired in the year 2005. He was issueless, therefore he adopted Abayjeet Singh grandson of his sister Gian Kaur. Abayjeet Singh fell in bad company and he in consultation with his sister Harbhajan Kaur disinherited him. They reached office of Sub Registrar on 07.01.2016



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where his sister Harbhajan Kaur got prepared disinheritance deed from deed writer Ranjit Singh who was known to her. She in collusion with deed writer and her son-in-law Jagdeep Singh got prepared transfer deed of his ancestral property measuring 11 kanals 14 marlas and one house which he had purchased and raised construction. He affixed his signatures on the document considering it as disinheritance deed. No member of Panchayat or Nambardar of their village was witness to the document. Said transfer deed was got executed in a wrongful manner and the said document was cancelled by Sub Divisional Magistrate, Amritsar. Subsequent sale deeds executed by Harbhajan Kaur and mutations were also cancelled. In this way fraud was committed with him. Investigation was carried out, thereafter, present FIR was registered.

3. Learned counsel for petitioner argued that matter was compromised between the parties. Copy of FIR No. 518 dated 14.10.2017 (supra) is Annexure P-2. Sushil Kumar had filed a civil suit against Harbhajan Kaur and others seeking declaration which was ultimately compromised before Mediation and Conciliation Centre, Amritsar which is Annexure P-4. In the said deed of compromise in para No.3 it was specifically mentioned, which is as under:-

“That defendant No.2 Gian Singh had got registered FIR No.518 dated 14.10.2017, under Section 420/467/468/471/120B of IPC, registered at Police Station Civil Lines, Amritsar against defendant No.1 and also against the witnesses of the sale deeds dated 29.06.2016 and 04.07.2016. It has been agreed between the parties that Gian Singh will withdraw all the cases civil or criminal against parties to the



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compromise and will take necessary actions and made necessary statements before civil/criminal/High Court/Supreme Court and will file appropriate petition before Hon'ble High Court for quashing of the above said FIR."

4. Later on Satish Mehra and others filed CRM-M-34838-2018 decided on 23.10.2018 vide which present FIR No.518 dated 14.10.2017 (supra) was accordingly quashed. However, present petitioner was not party to the aforesaid litigation as a result, he has filed present petition for quashing of FIR. Learned counsel for petitioner further referred to the copy of disputed sale deed dated 04.07.2016 (Annexure P-1) in which present petitioner was a marginal witness. Now Gian Singh complainant has expired and his wife Narinder Kaur had already expired in the year 2005. Matter in controversy does not survive any more. Since the matter was settled during the life time of complainant Gian Singh, it is prayed that aforesaid FIR registered against him be also quashed by accepting the present petition.

5. Learned counsel representing State has filed detailed status report confirming the facts of the case and the matter in controversy. It is admitted that aforesaid FIR qua Satish Mehra, Gurpreet Singh, Surjan were quashed by this Court vide order dated 23.10.2018. It is further confirmed that Gian Singh has also expired and his wife had already expired in 2005. Quashing of present FIR is however opposed by learned counsel representing State.

6. I have considered the arguments and have gone through the record carefully. Facts and circumstances of the case indicate that in the civil suit filed by Sushil Kumar against Harbhajan Kaur and others, matter

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was compromised before Mediation and Conciliation Centre. Copy of detailed compromise dated 03.04.2018 is Annexure P-4. In this compromise, there was specific reference of present FIR in para No.3 of the terms and conditions of compromise. On the basis of compromise, aforesaid FIR qua Satish Kumar, witness, Surjan Kaur witness and Gurpreet Singh has been quashed. Present petitioner Gaurav Sharma is also one of the marginal witness similarly placed as Surjan Kaur and Satish Mehra. Statement of complainant Gian Singh could not be recorded as unfortunately he has expired. Therefore, no purpose would be achieved to pursue the proceedings arising out of FIR No.518 dated 14.10.2017 (supra) qua present petitioner. It will be unnecessarily misuse of the process of law. With this observation petition filed by petitioner is allowed and FIR No.518 dated 14.10.2017, under Sections 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Civil Lines, District Amritsar (Annexure P-2) and all subsequent proceedings arising therefrom qua him stands quashed.

7. Accordingly, present petition stands accepted.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

30.08.2024.*Sunil Devi*

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No