



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258+265

Date of Decision:- 19.09.2024

(1) CRM-M-11288-2015

HARINDER SINGHPetitioner

Vs.

STATE OF PUNJAB AND OTHERS ...Respondents

(2) CRM-M-47755-2022

SATPAL MONGA ...Petitioner

Vs.

STATE OF PUNJAB & OTHERS ...Respondents.

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.S. Tiwana, Advocate for petitioner – Harinder Singh
in both petitions.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Vikram Jeet Singh, Advocate for respondent Nos. 2 and 3 in
both petitions.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Harinder Singh [CRM-M-11288-2015] and petitioner Satpal Monga [CRM-M-47755-2022] have filed these petitions under Section 482 Cr.P.C. for quashing of FIR No.131 dated 10.12.2014, under Section 379, 420 and 120-B of IPC and Section 66, 66-D of Information Technology Act, 2000, registered at Police Station City-2, District Mansa and all subsequent proceedings arisen therefrom on the basis of

compromise deeds dated 25.03.2015 (Annexure P-2) and 16.03.2021



(Annexure P-4) in respective petitions. Both petitions are taken up together for hearing and decision, being arisen out of the same FIR, at request and with consent of learned counsel for the parties.

2. Brief facts of the case are that Shamsher Singh complainant gave his statement that he was a Government Teacher. His son Harjit Singh, aged 19 years, was doing B-Tech. at Malot. His new Aadhar Card was prepared in December, 2012. On inquiry, it was revealed that Harinder Singh had stolen Aadhar card of his son and got issued two SIMs card No.90411-04963 (Tata Docomo company) and 85570-78994 (Vodafone company) on the basis of Aadhar Card of his son. He also prepared facebook ID with said mobile phone numbers and used to make calls to different persons. At the time of issuance of said SIM numbers, photographs of his son was lifted from the Aadhar card by scanning it. Many persons complained regarding wrong calls made from these numbers due to which matter was enquired and it came into light that it was Harinder Singh who misused the Aadhar card of his son Harjit Singh to procure SIM numbers and started calling others. With these allegations, FIR has been registered.

3. Petitioner Harinder Singh filed petition (CRM-M-11288-2015) for quashing of FIR on the basis of compromise dated 25.03.2015 (Annexure P-2). Petitioner and respondent No.2 were directed to appear before trial Court vide order dated 09.04.2015. Detailed report regarding compromise has been received from the court of Chief Judicial Magistrate, Mansa dated 09.09.2015 wherein respondent No.4 Satpal Monga submits that no compromise has been effected with the complainant whereas, respondent Nos.2 and 3 confirmed the compromise qua petitioner-



Harinder Singh only. During the pendency of CRM-M-11288-2015, another petition bearing CRM-M-47755-2022 was filed by petitioner Satpal Monga for quashing of aforesaid FIR on the basis of compromise dated 16.03.2021. Petitioner and respondent Nos.2 and 3 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise vide order dated 01.08.2023. Detailed report regarding compromise has been received from the court of Chief Judicial Magistrate, Mansa dated 15.12.2023. Statement of respondent No.2 has been recorded, where he confirmed the compromise with petitioners. Respondent No.3 is residing in Australia and his statement has been recorded through Video conferencing in terms of this Court order dated 16.10.2023. They confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and they have no objection regarding quashing of FIR.

4. Statement of petitioners – Satpal Monga and Harinder Singh were recorded jointly. They also confirmed the factum of compromise in their statements. Statement of SI Amrik Singh is also recorded. He confirmed that the accused/petitioners are not involved or declared as proclaimed person in this case.

5. From the aforesaid reports of Chief Judicial Magistrate Ist Class, Mansa dated 09.09.2015 and 15.12.2023 it is clear that compromise has been effected between parties without any pressure, coercion or undue influence, which is acceptable to both the parties. Gainful reference can be made to the authority of our own High Court i.e. **Larger Bench of Five Judges 2007(3) RCR (Criminal) 1052** case titled *“Kulwinder Singh and others vs. State of Punjab and another”* where it was explained that



inherent power of this Court under Section 482 cannot be limited to matrimonial cases alone and the Court has wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of Criminal Procedure Code in order to prevent abuse of law and to secure ends of justice.

6. In the case in hand, both parties have mutually settled all their disputes. They are neighbours and living in the same vicinity at Mansa. It will end all litigation started between them. Thus no purpose would be served with the continuation of criminal proceedings in the case in hand.

7. Therefore considering these facts, petitions filed by petitioners are accepted and FIR No.131 dated 10.12.2014 under Sections 379, 420 and 120-B of IPC and Section 66, 66-D of Information Technology Act, 2000, registered at Police Station City-2, District Mansa and all other subsequent proceedings arising therefrom are quashed.

8. Accordingly, both petitions stand accepted.

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

19.09.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No