

YADWINDER SINGH

Versus

STATE OF PUNJAB AND ANR

.....Petitioner

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Meena, Advocate for
Mr. Amit Arora, Advocate for the petitioner.
Mr. Rahul Jindal, AAG, Punjab.
None for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C. the petitioner prays for quashing of case bearing FIR No.0173 dated 02.08.2020 registered under Sections 420, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 (Sections 467, 468, 471 of IPC added later on) at P.S. Lopoke, District Amritsar Rural, along with all consequential proceedings arising out of the same on the basis of compromise dated 18.12.2023.

2. As per allegations levelled in the FIR, the petitioner committed fraud with complainant-respondent No.4 of Rs.14,00,000/ on the pretext of sending him abroad.

3. This Court while issuing notice of motion vide order dated 01.03.2024 directed the parties to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them.

4. In pursuance to the order dated 01.03.2024, a report dated 20.04.2024 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary.

5. Learned counsel for the petitioner submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have 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.

6. On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

7. I have heard learned counsel for the parties and gone through the records including the report dated 20.04.2024. 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***".

8. 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 petition is allowed and FIR No. 0173 dated 02.08.2020 registered under Sections 420, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 (Sections 467, 468, 471 of IPC added later on) at P.S. Lopoke, District Amritsar Rural along with all consequential proceeding arising therefrom, are hereby quashed.

9. Accordingly, petition stands, allowed, however subject to providing of one ECG Machine to Civil Hospital, Amritsar within a period of two weeks from today as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

25.04.2024

(HARKESH MANUJA)
JUDGE

Tejwinder

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No