

257 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17597-2018
DATE OF DECISION:-13.02.2024

V.K. Tripathi

...Petitioner..

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Kumar Bhagal, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

None for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.177, dated 02.11.2017, under Sections 406 and 420 IPC, registered at Police Station Navi Baradari Jalandhar (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 07.03.2018 (Annexure P-4).

2. As per allegations in the FIR, the petitioner cheated the complainant for a sum of Rs.10,00,000/- on the pretext of doubling the money.

3. Though, vide order dated 05.03.2020 passed by this Court, the parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, however, the complainant chose not to appear before the trial

Court.

4. Yet, as per the information provided by learned State counsel, the complainant has already received a sum of Rs.10,93,000/- towards full and final settlement and even got recorded his statement to the effect that he does not want to proceed with the present case and he has no objection if the FIR is quashed/cancelled. The order dated 07.03.2018, passed by learned Additional Sessions Judge, Jalandhar, which has been produced by learned State counsel is reproduced hereunder:-

“CNR No.PBJL01-016529-2017 Case No.BA-7678/17

Vijay Kumar vs. State of Punjab-7678

Present: Sh. Sanjive Bansal, Counsel for applicant-accused

Sh. Amarjit Singh, Addl. PP for the State along with counsel for complainant Sh.K.S. Hundal, Adv.

In the present case, ASI Balwinder Singh has come present and suffered a statement that accused-applicant have joined the investigation and even the matter has been compromise between the accused and the complainant. Complainant received the draft today in the Court. Statement of the complainant-Kuldeep Singh has also been recorded today in the Court wherein he has admitted the factum of receiving of Rs.10,93,000/- vide two separate drafts and he has further stated that now he does not want to proceed with the present case and he has no objection if the FIR is cancelled/quashed.

Thus, in view of the statement suffered by complainant as well as IO, the interim order already granted to the accused is confirmed on his previously furnished bail/surety bonds. File be consigned to Record room, Jalandhar.

*(Karunesh Kumar)
Addl. Sessions Judge,
Jalandhar.
(UID No.PB0082)”*

Dated:07.03.2018

CRM-M-17597-2018

5. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, 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. 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 direction issued by the 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.***

7. Thus, in view of the aforesaid facts and order dated 07.03.2018 passed by learned Additional Sessions Judge, Jalandhar, as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.177, dated 02.11.2017, under Sections 406 and 420 IPC, registered at Police Station Navi Baradari Jalandhar as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

8. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the Poor Patient

Welfare Fund, PGIMER, Chandigarh within a period of two weeks from the date of receipt of certified copy of this order.

13.02.2024
sonika

whether speaking/reasoned: Yes/No

whether reportable: Yes/No

(HARKESH MANUJA)

JUDGE