

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

Sr. No.204

**CRM-M-41545-2023 (O&M)
Date of decision : 31.01.2024**

Harmesh Singh

..... Petitioner

VERSUS

Sukhwinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. L.S. Mann, Advocate, for the petitioner.

Mr. Gaurav Pathania, Advocate for
Dr. Hardeep Singh, Advocate, for the respondent.

Mr. Jashandeep Singh, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. The instant petition filed under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioner, inasmuch as, quashing of the criminal complaint bearing COMA/26/2014 dated 07.04.2014, under Section 138 of Negotiable Instruments Act, 1881 filed before the Court of Ld. Judicial Magistrate, 1st Class, Jagraon and the judgment dated 25.10.2018 vide which the petitioner was convicted to undergo RI for a period of two years along with all the consequential proceedings arising therefrom including the order dated 03.04.2023 vide which non-bailable warrants have been issued against the petitioner, on the basis of a compromise dated 20.07.2023 (Annexure P-3), as entered into *inter se* the petitioner and the respondent/complainant.

2. Upon an affirmative response from the learned counsel for the respondent/complainant *qua* the compromise (Annexure P-3) a **Co-ordinate Bench of this Court had**, through an order drawn on 22.08.2023, upon the

Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-3). Moreover, the learned trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (*supra*), the parties appeared before the Judicial Magistrate, 1st Class, Jagraon and got their respective statements recorded, thereby authenticating the compromise (Annexure P-3). Accordingly, in compliance of the directions (*supra*) of this Court, a Report bearing No.1403 dated 20.09.2023 has been received from the the Judicial Magistrate, 1st Class, Jagraon wherein, a satisfaction has been recorded by the Judicial Magistrate, 1st Class, Jagraon *qua* the compromise (*supra*) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled “**Abhishek Singh & others V/s State of Punjab & others**”, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;

b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;

c) The victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;

e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;

f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;

i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has been charged, are not grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby allowed.

7. Resultantly, the criminal complaint bearing COMA/26/2014 dated 07.04.2014, under Section 138 of Negotiable Instruments Act, 1881 filed before the Court of Ld. Judicial Magistrate, 1st Class, Jagraon and the judgment dated 25.10.2018 vide which the petitioner was convicted to undergo RI for a period of two years along with all the consequential proceedings arising therefrom including the order dated 03.04.2023 vide

which non-bailable warrants have been issued against the petitioner, are hereby quashed, on the basis of the compromise dated 20.07.2023 (Annexure P-3).

(KULDEEP TIWARI)
JUDGE

31.01.2024
Ramandeep Singh

Whether speaking / reasoned Yes/No

Whether Reportable Yes/No