

HARJINDER KUMAR AND ANR.

Versus

STATE OF PUNJAB AND OTHERS

.....Petitioners

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Saurabh Kaushik, Advocate for the petitioners.
Mr. Siddharth Sandhu, AAG, Punjab.
Mr. Sunil Kumar Sehora, Advocate for
Mr. Mandeep Kaushik, Advocate for
respondents No.2(i) and (ii)
Mr. Anupam Singla, Advocate for respondent No.3.

HARKESH MANUJA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C. the petitioners pray for quashing of case bearing FIR No.0324 dated 22.12.2022 registered under Sections 420 and 120-B of IPC at P.S. sadar Naba, District Patiala, along with all consequential proceedings arising out of the same on the basis of compromise dated 09.08.2023.

2. As per allegations levelled in the FIR, the petitioners committed fraud with complainants-respondents No.2 and 3 by forging the revenue records. In the present case complainant-respondent No.2 died after entering into settlement with the petitioners and his legal heirs were impleaded who appeared before the trial Court while making a statement, admitting the execution of compromise.

3. This Court while issuing notice of motion vide order dated 15.01.2024 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 15.01.2024, a report dated

19.03.2024 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary.

5. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 have no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; 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 19.03.2024. 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. 0324 dated 22.12.2022 registered under Sections 420 and 120-B of IPC at P.S. Sadar Naba, District Patiala along with all consequential proceeding arising therefrom, are hereby quashed.

9. The aforesaid order shall, however, be subject to payment of Costs of Rs.5,000/- to be deposited with Nishkam Sewa Society, Patiala, within a period of two weeks from today.

25.04.2024

(HARKESH MANUJA)
JUDGE

Tejwinder

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