

CRM-M-47898-2023

2024:PHHC:018068
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269 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47898-2023
DATE OF DECISION:-08.02.2024

Parwinder Kumar

...Petitioner

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

Mr. G.S. Brar, Advocate,
for respondent No.2.

Mr. G.S. Rawat, Advocate,
for respondents No.3 to 5.

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.185, dated 31.10.2015, under Sections 406, 420 and 120-B IPC, registered at Police Station Goraya, District Jalandhar (Rural) (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 12.03.2019/ 15.03.2023 (Annexures P-2 & P-4).

2. As per the allegations in the FIR, the petitioner cheated the complainant for a sum of Rs.14 lakh on the pretext of sending his grandson to Canada.

Though, as per allegations, total 02 persons were involved in the

present FIR, however, only one accused i.e. present petitioner has

approached this Court.

3. In pursuance of order dated 05.10.2023 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 28.11.2023 has been received from the concerned Court, stating that the compromise between the parties is genuine and of their own freewill and without any force, pressure or undue influence. It is further stated that there is only one complainant/victim, namely, Parhlad Singh (since deceased) is being represented through his legal heirs i.e. private respondents No.2 to 5. No accused has been declared as proclaimed person.

Moreover, learned counsel for the petitioner has also produced two demand drafts bearing No.563165 and 563166 both dated 06.02.2024 of UCO Bank, for a sum of Rs.1 lakh each (total Rs.2 lakhs) in terms of compromise arrived at between the parties, in Court today and the same have been handed over to learned counsel for respondent No.2, besides it, a sum of Rs.40,000/- has been deposited in the bank account. Photocopies of demand drafts are taken on record.

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

5. 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.***

6. Further, learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.185, dated 31.10.2015, under Sections 406, 420 and 120-B IPC, registered at Police Station Goraya, District Jalandhar (Rural) as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

CRM-M-47898-2023

8. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the PGI Poor Patient Welfare Fund, within a period of two weeks from the date of receipt of certified copy of this order.

08.02.2024
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No