



CRM-M-60872-2022

- 1 -

240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60872-2022 (O&M)

Date of Decision : May 10, 2024

Paravinder Kumar @ Sona and anotherPetitioners
Vs.
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present : Mr. Anmol Jeewan Singh Gill, Advocate for the petitioners.

Ms. Guramrit Kaur, DAG, Punjab.

None for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The present petition has been filed for quashing of an FIR No.0161 dated 29.07.2022 registered under Sections 420, 120-B IPC registered with Police Station Baghapurana, District Moga and all other consequential proceedings arising therefrom, on the basis of compromise entered into between the parties.

On 04.01.2023, the following order was passed :-

“The present petition has been filed for quashing of an FIR No.0161 dated 29.07.2022 (Annexure P-1) registered under Sections 420, 120-B IPC registered with Police Station Baghapurana, District Moga and all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into



Compromise (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

She has clarified that by virtue of an affidavit furnished by the accused/petitioners to the complainant, no blank cheque(s) purportedly executed by the complainant are in possession of the petitioners.

Notice of motion for 07.02.2023.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab accepts notice on behalf of respondent no.1 whereas Mr. N.S. Dandiwal, Advocate accepts notice on behalf of respondent no.2. He does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainant does not wish to press the allegations alleged in the FIR any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise (Annexure P-2) on 16.01.2023 by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated form:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and the Statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*



5. *The Trial Court is also directed to record the statement of the Investigating Officer/any other officer aware of the facts of the case so as to know how many victims/complainants are there in the FIR and whether all the victims/complainant as well as accused are party to the compromise in question.*

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.”

Thereafter, the matter was adjourned from time to time and on 11.05.2023, the following order was passed :-

“The brief background of this case is that FIR No.0161 dated 29.07.2022 under Section Sections 420, 120-B IPC P.S. Baghapurana came to be registered against the petitioner and his co-accused at the instance of respondent no.2-complainant. The anticipatory bail petition was preferred vide CRM-M-39321-2022 titled as Parvinder Kumar @ Sona Vs. State of Punjab & Anr. and on 09.12.2022 the following order was passed:-

“The learned Senior Counsel for the petitioner after arguing the matter at length states that the petitioner wishes to effect a compromise with the complainant.

Adjourned to 14.12.2022.”

Thereafter on 14.12.2022 the following order was passed:-

“The learned Senior Counsel for the petitioner submits that the parties have express the desire to settle the dispute between themselves. IN furtherance of the same, the learned Counsel for the petitioner has brought a draft of Rs.8,00,000/- which has been handed over to the learned



CRM-M-60872-2022

- 4 -

Counsel for the complainant in the Court today. She submits that the remaining amount of Rs.3,00,000/- shall be paid on the next date of hearing i.e. 16.11.2022.

In the meantime, the arrest of the petitioner shall remain stayed.”

Thereafter on 16.12.2022 the following order was passed:-

“The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case FIR No.161 dated 29.07.2022 under Sections 420, 120-B IPC registered at Police Station Baghapurana, District Moga.

During the course of these proceedings, a compromise has been effected between the parties. As per the said compromise, a sum of Rs.8 lacs was paid on 14.12.2022 and a further sum of Rs.3 lacs has been paid to the learned counsel for the complainant in the Court today.

The learned counsel for the complainant admits that the entire amount has been received by the complainant and he shall have no objection if a petition for quashing on the basis of compromise is filed by the petitioner-Parvinder Kumar @ Sona and his wife-Ritu Goyal and he shall facilitate in getting the same quashed.

In view of the above, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 19.12.2022 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2)



Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, the State is directed to file an affidavit/reply as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing.

Adjourned to 21.12.2022.”

The Stay order continued from time to time. Meanwhile, the instant petition for quashing on the basis of a compromise came to be filed in which on 04.01.2023 the following order was passed:-

“ The present petition has been filed for quashing of an FIR No.0161 dated 29.07.2022 (Annexure P-1) registered under Sections 420, 120-B IPC registered with Police Station Baghapurana, District Moga and all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise



(Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

She has clarified that by virtue of an affidavit furnished by the accused/petitioners to the complainant, no blank cheque(s) purportedly executed by the complainant are in possession of the petitioners.

Notice of motion for 07.02.2023.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab accepts notice on behalf of respondent no.1 whereas Mr. N.S. Dandiwal, Advocate accepts notice on behalf of respondent no.2. He does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainant does not wish to press the allegations alleged in the FIR any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise (Annexure P-2) on 16.01.2023 by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated form:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and the Statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer/any other officer aware of the facts of the case so as to know how many victims/complainants are there in the FIR and whether*



all the victims/complainant as well as accused are party to the compromise in question.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.”

Subsequently on 07.03.2023 Mr. G.S. Hayer Advocate appeared on behalf of the complainant and stated that a compromise had been arrived at only for the purposes of grant of bail to the petitioner and not for quashing of the FIR qua the petitioner. Subsequently the matter came up for hearing on 10.02.2023 and was adjourned to 11.05.2023.

The Counsel for the complainant reiterated his version that the complainant had been misled by the earlier counsel. In fact he had received Rs.11 lacs from the petitioner only with a view to not oppose the grant of anticipatory bail to the petitioner and not to settle the matter in its entirety by way of the present quashing petition on the basis of compromise. In view of the arguments raised, a query was put to the counsel for the complainant that a sum of Rs.11 lacs which had been received ought to be returned to the petitioner, as various orders passed in the anticipatory bail petition clearly showed that the complainant and his earlier counsel were aware that the sum of Rs.11 lacs was being paid by the petitioner towards full and final settlement qua the petitioner. The learned Counsel for the complainant and complainant who are present in court today have unequivocally stated that they did not wish to refund the amount of Rs.11 lacs received from the petitioner. This conduct on the part of the complainant is unacceptable.

Be that as it may, in view of the aforementioned facts, the present petition is admitted.



Further proceedings emanating from FIR No.0161 dated 29.07.2022 under Section Sections 420, 120-B IPC P.S. Baghapurana shall remain stayed qua the petitioner only. Proceedings qua the other accused may continue.”

Thereafter, on 6.11.2023 the following order was passed :-

“The present petition has been filed for quashing of an FIR No.0161 dated 29.07.2022 (Annexure P-1) registered under Sections 420, 120-B IPC registered with Police Station Baghapurana, District Moga and all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

She has clarified that by virtue of an affidavit furnished by the accused/petitioners to the complainant, no blank cheque(s) purportedly executed by the complainant are in possession of the petitioners.

Notice of motion for 30.11.2023.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab accepts notice on behalf of respondent no.1 whereas Mr. N.S. Dandiwal, Advocate accepts notice on behalf of respondent no.2. He does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainant does not wish to press the allegations alleged in the FIR any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise (Annexure P-2) on 17.11.2023 by moving an appropriate application or by presenting this order.



The Trial Court/Illaqa Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated format:-

1. *Number of persons arrayed accused in the FIR;*
2. *Whether any accused is a proclaimed offender;*
3. *Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
4. *Whether the accused persons are involved in any other FIR or and not; and the Statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
5. *The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court; 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victim/complainant as well as accused are party to the compromise in question.*

The petitioners shall deposit a cost of Rs.25,000/- (collectively) with the District Legal Services Authority concerned on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaqa Magistrate.”

Thereafter, on 30.11.2023 the following order was passed :-

“The learned counsel for the parties pray for one more opportunity to appear before the Trial Court recording their statement with regard to a compromise in terms of the order dated 06.11.2023 passed by this Court.

In view of the above, the mater is adjourned to 03.04.2024.

In the meantime, the parties are directed to appear before the Trial Court on 22.01.2024 for recording their statements in terms of the aforementioned order.

The Trial Court is directed to send its report on or before the next date of hearing.”



CRM-M-60872-2022

- 10 -

In deference to the aforementioned orders, the statements of the parties have been recorded in support of the compromise. While petitioner No.1 is an accused in the FIR, the petitioner No.2 has filed the instant petition fearing implication at a later stage.

Be that as it may, now a compromise has been arrived at between the parties.

Pursuant to the orders passed by this Court, the parties have appeared before Shri Ravneet Singh, PCS, Sub Divisional Judicial Magistrate, Baghapurana and as per its report dated 06.02.2024 submitted to this Court both the parties have got recorded their respective statements in Court. However, for reasons best known to the complainant, none has appeared on his behalf today.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is 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***”.



CRM-M-60872-2022

- 11 -

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Versus 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, CRM-M-23739-2010 decided on 27.04.2011**, **Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017**, **Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019** and **Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided on 25.07.2022** submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the aforesaid report of the Sub Divisional Judicial Magistrate, Baghapurana accompanied by the joint statements of both the parties, the FIR No.161 dated 29.07.2022 (Annexure P-1) registered under Sections 420, 120-B IPC at Police Station Baghapurana, District Moga and all other consequential proceedings arising therefrom on the basis of compromise entered into between the parties, are hereby quashed, qua the petitioner only.

May 10, 2024
Satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO