



CRM-M-19566-2024(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122+288

CRM-M-19566-2024(O&M)

Decided on :13.05.2025

Amar Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mandeep Singh Gill, Advocate for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Amritpal Singh Gill, Advocate for
the applicants-respondents No. 2 and 3.SANJAY VASHISTH, J.

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of case FIR No. 91 dated 27.08.2019, under Section 420 IPC, registered at Police Station Banur, District Patiala on the basis of compromise dated 1803.2024 (P-2).

2. While issuing the notice of motion and resultant appearance of Respondents No. 2 and 3 on 22.04.2024, a specific direction was issued to the parties to appear before the learned Trial Court/Illaq Magistrate for the recording of their statements regarding the compromise arrived between them.

3. On previous date of hearing i.e. 03.04.2025, following order was passed by this Court:

“1. *In the present compromise quashing petition, on 22.04.2025, following order was passed by this Court:-*

“ The petitioner has approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.



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Notice of motion for 28.10.2024.

At this stage, Mr. Kusum Raj, Advocate, has put in appearance on behalf of respondents No.2 and 3 and has filed power of attorney. The same is taken on record.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

- (i) Whether there is any other accused other than the petitioner, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*
- (iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

The report be submitted before this Court on or before the next date.”

2. *In compliance to this, report dated 25th July, 2024, has been received from Ld. JMIC, SAS Nagar Mohali, wherein, it has been mentioned that as per the statements of the parties, the compromise is genuine, voluntary and executed without any pressure, coercion and undue influence, but executed out of free will of the parties.*

3. *For reference, the relevant extract part of the report dated 25th July, 2024, is reproduced here-under:-*

“The point wise report of the undersigned is as under for your kind perusal please:

1. *Whether there is any other accused other than the petitioner, arrayed in this petition.*
There is only one person arrayed as accused in the present case i.e. Amar Singh who has appeared before this Court and made his statement.
2. *Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
The complainant Bharpur Singh along with Gurinder Singh are aggrieved party, who are arrayed in the petition.
3. *Whether any accused is declared Proclaimed offender?*



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As per the statement of the Investigating Officer of this case on the basis of the police record, accused Amar Singh is not declared as proclaimed offender.

4. *Whether the compromise is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

The complainant/informant had placed on record the Compromise dated 18.03.2024 as Annexure P1.

As per the statements of the parties, the compromise is genuine, voluntary and executed without any pressure, coercion or undue influence, but executed out of free will of the parties.

As per the statements of the parties, the compromise appears to be genuine and executed voluntarily, without any pressure, coercion or undue influence.”

4. *Despite the statements having been recorded by the Court of Ld. JMIC, SAS Nagar, Mohali, today Mr. Dushant Jog, Advocate for Mr. Amritpal Singh Gill, Advocate, for respondents No.2 & 3 (complainants), appears and submits that respondents No.2 & 3 (complainants) wants to retract from their statements, because the property in question i.e. 32 Bighas of land, situated at Village Budhanpur, Sub-Tehsil Banur, Tehsil & District SAS Nagar, Mohali, has not been transferred by the petitioner – Amar Singh, in favour of the answering respondents, which in fact, is the pre-requisite condition as per the compromise effected between the parties.*

He further submits that statements had been got recorded under the bona fide belief, but looking at the conduct of the petitioner, respondents No.2 & 3 oppose the quashing of the FIR and other consequential proceedings on the basis of compromise.

5. *Counsel for the petitioner seeks a short accommodation to verify the facts.*

6. *List again on 13.05.2025.*

It is, however, made clear that on the next date of hearing, petition shall be decided, even if the pre-requisite condition of the compromise-deed, is not complied with by the petitioner.”

4. Learned counsel for respondents No. 2 and 3 submits that, till date, despite the recording of statements before the learned trial

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Court/Illaq Magistrate, the petitioner has not complied with the terms and conditions of the settlement, as the property in question—i.e., 32 bighas of land situated in Village Budhapur, Sub-Tehsil Banur, Tehsil and District SAS Nagar, Mohali—has not yet been transferred in favour of the answering respondents.

5. Learned counsel for the petitioner is unable to controvert the fact as submitted by the respondents

6. In view of the above, the present petition is dismissed for non-compliance with the terms of the settlement arrived at between the parties.

7. Pending miscellaneous application, if any, shall also be disposed of.

13.05.2025
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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**