

2025:PHHC:144683



CRM-M-65274-2024 (O&M)
DATE OF DECISION : 16.10.2025

SUKHDEV SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurveer Singh Sidhu, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG Punjab.

* * *

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of FIR No.22, dated 19.06.2011, under Sections 420/406 IPC and Section 24 of Immigration Act, registered at Police Station Satnampura, District Kapurthala along with all consequential proceedings arising therefrom on the basis of compromise dated 07.09.2024 (Annexure P-3) arrived at between the petitioner and respondent No. 2.

2. FIR in question was filed by complainant-respondent No.2 and the trial started thereon. However, with the intervention of respectables, finally the parties arrived at settlement and they resolved their *inter se* dispute, which is apparent from Compromise Deed, annexed as Annexure P-

3. On the basis of the compromise, the petitioner is invoking the inherent power of this Court by praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court

and thus, the FIR in question along with all subsequent proceedings arising therefrom may be quashed in the interest of justice.

4. This Court vide order dated 20.02.2025 directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements, as contended before the Court, and the trial Court/Illaq Magistrate was also directed to send its report.

5. In pursuance to the same, learned Judicial Magistrate First Class, Phagwara has sent reports dated 06.05.2025, 28.05.2025 and 12.09.2025 to the effect that the parties have not come present for getting their statements recorded regarding compromise.

6. It has been submitted by learned counsel for the petitioner that the parties have duly compromised their dispute by way of compromise dated 07.09.2024. This Court vide order dated 20.02.2025 had directed the parties to record their statements. He submits that after having entered into compromise and receiving the amount, the complainant resiled from the same and thus did not intentionally appear before the learned trial Court for recording the statement. He submits that the complainant had cheated him after receiving the amount as per the compromise arrived at between them.

7. Under these circumstances, the complainant cannot be allowed to back out of the compromise especially when the petitioner had already performed his part as agreed in the settlement/compromise. This Court finds that resiling from the compromise by the complainant is immaterial and the continuation of the present FIR would be an abuse of the process of the Court.

8. The Coordinate Bench of this Court in the case of **Ram Lal and others Vs. State of Haryana and another, 2008(2) RCR (Criminal) 823,**

has held that when the parties have entered into a compromise, but the complainant has backed out from the same, the FIR is liable to be quashed in such like situation. The relevant paragraph of the said judgment reads as under:

“4. Learned counsel for the petitioners by placing reliance upon the judgment of Hon'ble Supreme Court in the case of Mohd. Shamim Vs. Smt. Nahid Begum, 2005(1) RCR (Criminal) 697: 2005(1) Apex Criminal 299(SC) contends that in view of the compromise having been entered into between the parties and amount having been received by the complainant, the continuation of proceedings is nothing but misuse of the process of the Court. The Hon'ble Supreme Court has been pleased to observe as under:-

14. This Court in Ruchi Agarwal Vs. Amit Kumar Agrawal and others, 2004(4) RCR (Criminal) 949(SC):2004(8) Supreme 525, in almost a similar situation has quashed a criminal proceeding against the husband, stating "Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.

8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the Court if the criminal proceedings from which this appeal arises is allowed to continue."

9. In view of the abovesaid facts and circumstances of the case and the law settled in the abovesaid judicial precedent, the present petition is allowed. Consequently, FIR No. 22, dated 19.06.2011, under Sections 420/406 IPC and Section 24 of Immigration Act, registered at Police Station Satnampura, District Kapurthala along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 07.09.2024 (Annexure P-3) arrived at between the

petitioner and respondent No. 2. Needless to say that the parties shall remain

bound by the terms and conditions of the compromise and their statements recorded before the Court below.

10. Petition stands allowed.

16.10.2025

(RAJESH BHARDWAJ)

Janki

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No