

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6244-2013 (O&M)

Date of Decision: April 29, 2014

Bhupinder Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Gunjan Mehta, Advocate,
for the petitioner.

Mr. B.S. Saini, Sr. DAG, Haryana,
for respondent No. 1.

Ms. Neeru Bansal, Advocate,
for respondent No. 2.

NARESH KUMAR SANGHI, J.

1. Prayer in this petition is for quashing of FIR No. 518, dated 5.11.2011, under Sections 120-B, 419, 420, 467, 468 and 471, IPC, registered at Police Station, Faridabad Central, District Faridabad, and all the consequential proceedings arising therefrom, on the basis of the compromise.

2. Vide order dated 10.3.2014, this Court had directed the affected parties to appear on 25.3.2014 before the learned Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to submit a detailed report in that regard along with copies of the

statements on or before the date fixed by this Court.

3. In compliance of the above, respondent No. 2-complainant/aggrieved person, Chandan Singh, as well as the petitioner-accused, Bhupinder Singh, did appear before learned Judicial Magistrate Ist Class, Faridabad, on 25.3.2014, and got recorded their respective statements with regard to the compromise. Respondent No. 2-complainant/aggrieved person, Chandan Singh stated that he had effected a compromise with the petitioner-accused, Bhupinder Singh, without any pressure and he did not want to take any action arising out of the impugned FIR. He also deposed that he had no objection if the impugned FIR was quashed. Similar statement was suffered by the petitioner-accused, Bhupinder Singh. Respondent No. 2-complainant as well as the petitioner-accused were duly identified by their respective counsel.

4. The report received from the learned Judicial Magistrate Ist Class, Faridabad, reveals that the compromise effected between the parties was without any threat or pressure by either of the sides and is a valid compromise.

5. Learned counsel for the petitioner submits that on account of a dispute with regard to agreement to sell a plot, the present criminal litigation had arisen. Due to intervention of the respectable and elderly people of the society both the private factions have sorted out their disputes and effected a

compromise. He further submits that in terms of the compromise, due amount has been paid to respondent No. 2-complainant. He also submits that the offences alleged to have been committed by the petitioner-accused are of personal nature. In support of his contentions, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the case of Gian Singh v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543 and that of a 5-Judge Bench of this Court in the case of Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052.

6. Learned counsel for the State on instructions from HC Jamil Khan of Police Station, Faridabad Central, submits that the petitioner-accused as well as respondent No. 2-complainant did appear before the learned Court below and suffered their respective statements with regard to the compromise. After going through the report received from the learned Court below, he has no objection if the impugned FIR and all the consequential proceedings arising therefrom are quashed on the basis of the compromise.

7. Learned counsel for respondent No. 2-complainant has toed the lines of the learned counsel for the State and has no objection if the impugned FIR and all the consequential proceedings arising therefrom are quashed on the basis of the compromise. She also concedes that the amount due towards

the petitioner-accused with regard to the sale of the plot, has been paid to respondent No. 2-complainant.

8. I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

9. The present criminal litigation has arisen out of sale transaction of a plot. Due to intervention of the respectable and elderly people of the society, both the factions have sorted out their disputes and effected a compromise. The due amount has been paid to respondent No. 2-complainant. The offences for which the petitioner has been booked are personal in nature. Copies of the statements as well as the report received from the learned Judicial Magistrate Ist Class, Faridabad, clearly reveals that both the private factions have sorted out their differences without any pressure or coercion from any side. In view of the compromise so arrived at between the private parties, continuation of the proceedings emanating from the impugned FIR, would be a sheer abuse of the process of law since the chances of ultimate conviction and sentence of the petitioner-accused are bleak.

10. In view of the totality of the facts and circumstances of the case and the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh (supra)** and a larger Bench judgment of this Court in the matter of **Kulwinder Singh**

(supra), this petition is accepted and FIR No. 518, dated 5.11.2011, under Sections 120-B, 419, 420, 467, 468 and 471, IPC, registered at Police Station, Faridabad Central, District Faridabad, and the consequential proceedings arising therefrom are hereby quashed.

April 29, 2014
P Kapoor

(NARESH KUMAR SANGHI)
JUDGE