
(2013) 08 P&H CK 0264

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 11990 of 2013

Ajmer Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 16-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 420, 465, 467, 471

Citation : (2013) 08 P&H CK 0264

Hon'ble Judges : Rekha Mittal, J

Bench : Single Bench

Advocate : K.B. Raheja, for the Appellant; Amarinder Singh Klar, AAG, Punjab and Mr. Gurmeet Singh Saini, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Rekha Mittal, J.—Through the present petition filed u/s 482 Cr.P.C., the petitioners have prayed for quashing of FIR No. 48 dated 25.06.2007 under Sections 420, 465, 467, 471, 120-B of Indian Penal Code, registered at Police Station Cantt. Ferozepur and proceedings emanating therefrom, on the basis of compromise (Annexure P-2), arrived at between the parties. Vide this Court's order dated 11.04.2013, the parties were directed to appear before the trial Court to get their respective statements recorded. Simultaneously, the Trial Court was also directed to submit its report with regard to the genuineness of the compromise arrived at between the parties.

2. Now, in compliance thereto, a report has been received from the trial Court stating therein that the compromise effected between Basant Singh-complainant and the accused, namely, Ajmer Singh, Jugraj Singh, Bakhshish Singh and Kashmir Singh is valid and genuine one.

3. Counsel for the State has not disputed genuineness of the compromise arrived at between the parties in view of the report furnished by the trial Court.

4. Reply filed on behalf of Amar Singh, respondent No. 3 and one of the accused in the FIR, filed in Court today, is taken on record.

5. Counsel for respondent No. 3 submits that Bakhshish Singh has obtained Rs. 13,00,000/- from the complainant in view of the compromise, but the money belonged to the joint business of Bakhshish Singh and respondent No. 3-Amar Singh. It is further submitted that Bakhshish Singh, petitioner has grabbed the share of respondent No. 3 as he has not given a single penny to him. However, he has prayed that FIR should be quashed qua him as well.

6. A perusal of the allegations of the FIR in the instant case reveals that the present case squarely falls in that category of cases which can be quashed by the High Court in exercise of its inherent power u/s 482 Cr.P.C.

7. Keeping in view the authoritative enunciation of law laid down by Full Bench of this Court in "Kulwinder Singh and others v. State of Punjab and another", 2007(3) RCR (Criminal) 1052 and Hon'ble Apex Court in Madan Mohan Abbot Vs. State of Punjab, and "Gian Singh v. State of Punjab and another", 2012(4) R.C.R. (Criminal) 543, and in the light of facts and circumstances of the present case coupled with genuineness of the compromise arrived at between the parties as reported by the trial Court, this Court is of the considered opinion that continuation of criminal proceedings would tantamount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

8. So far as grievance of respondent no. 3 is concerned, he can resort to appropriate proceedings under law to recover the outstanding amount from Bakhshish Singh but any inter se dispute between the accused should not be allowed to stand in the way of settlement of dispute between the accused and the complainant. In this view of the matter, the petition is allowed and FIR No. 48 dated 25.06.2007 under Sections 420, 465, 467, 471, 120-B of Indian Penal Code, registered at Police Station Cantt. Ferozepur and proceedings emanating therefrom stand quashed.