
(2004) 05 P&H CK 0092

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 56068-M of 2003

Maan Singh and others

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 07-05-2004

Acts Referred:

Citation : (2004) 3 RCR(Criminal) 26

Hon'ble Judges : Satish Kumar Mittal, J

**Advocate : Mr. Ranjit Sharma, Advocate.Mrs. Baljit K. Mann, Sr. DAG, Punjab.
Mr. H.S. Jaswal, Advocate., Advocates for appearing Parties**

Judgement

Satish Kumar Mittal, J.

1. The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No. 6 dated 8.1.2001 under Sections 420, 467, 468, 471 and 120B IPC registered at Police Station Jhabhal, on the basis of compromise.

2. In the FIR, it has been alleged that petitioner No. 1 Mann Singh, in connivance with his elder brother Gurcharan Singh (petitioners No. 2), Charan Singh, Member Panchayat (petitioner No. 3) and Nambardar Satnam Singh (petitioner No. 4), fraudulently got registered a mortgage deed in respect of the land of the complainant measuring 10 acres for a sum of Rs. 1.50 lacs. It has been further alleged by the complainant that actually, he did not mortgage his aforesaid land. The complainant also filed a civil suit challenging the said mortgage deed before the Civil Court at Tarn Taran.

3. During the pendency of the aforesaid cases, the parties, with the intervention of the respectables of the village, entered into a compromise. A copy of the compromise has been annexed with this petition as Annexure P3. In view of the said compromise, petitioner No. 1 Maan Singh made a statement before the Civil Court to the effect that he will not have any claim, right or interest in the land in question owned by respondent No. 2 complainant Karam Singh. Similarly, a written compromise was also filed before the Court of Judicial Magistrate, Tarn

Taran, where the criminal case was pending. In view of the said compromise, at one point of time, the criminal case was referred to Lok Adalat, which was to be presided over by a Judge of this court but subsequently the said Lok Adalat could not be held therefore criminal case was sent back to the concerned court. Since the offence is not compoundable, therefore, the criminal proceedings could not be dropped in view of the compromise. Hence, the petitioners have filed this petition for quashing of the FIR on the basis of compromise.

4. Notice of this petition was issued to the respondents. In response thereto, respondent No. 2 complainant has filed reply by way of affidavit, wherein it has been admitted that compromise has been arrived at between the parties. It has been stated that the petitioners have surrendered all of their rights and interest in the land in dispute and a statement has been made before the Civil Court to the effect that the complainant Karam Singh is the owner in possession of the land in question. It has been further stated by the complainant that he has no objection if the FIR in question is quashed.

5. After hearing the arguments of learned counsel for the parties and going through the record of the case, I am of the opinion that it will be in the interest of justice if the FIR in question and the subsequent proceedings are quashed. It is apparent from the record that both the parties are residents of the same village. With the intervention of the respectable of the village and the Panchayat, the matter has been compromised between them. In the said compromise, the rights of both the parties have been protected. The petitioners have given up their right in respect of the land in question in favour of respondent No. 2 complainant Karam Singh. Now, after the compromise, both the parties have no dispute between themselves. In view of these facts. I am satisfied that the compromise arrived at between the parties is absolutely bona fide. As such, no useful purpose will be served by continuing with the proceeding as the same will not result into any conviction. In these circumstances, it will be in the interest of justice that the FIR in question should be quashed to keep the good harmony in the village.

In view of the aforesaid, the instant petition is allowed. Accordingly, FIR No. 6 dated 8.1.2001 under Sections 420, 467, 468, 471, and 120B IPC registered at Police Station Jhabhal and all the consequent proceedings arising therefrom are quashed.