

Surjit Singh and Another Vs State of Punjab and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Dec. 16, 2010

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 482, 482
Negotiable Instruments Laws (Amendment) Act, 1988 â€” Section 138, 138
Penal Code, 1860 (IPC) â€” Section 120B, 120B, 420, 420, 467

Hon'ble Judges: Nirmaljit Kaur, J

Bench: Division Bench

Final Decision: Allowed

Judgement

Nirmaljit Kaur, J.

This is a petition u/s 482 Code of Criminal Procedure for quashing of FIR No. 147 dated 16.12.1999 u/s 420, 467,

468, 471, 120B of Indian Penal Code, Police Station Banaur, District Patiala which was got registered by Respondent No. 2 -complainant against

the present Petitioners on the basis of the compromise dated 31.01.2001 arrived at between the parties. Copy of the same has been placed on

record as Annexure P-2.

2. Complainant-Gurdeep Singh is present in court today along his counsel. Learned Counsel states that he has instructions to state that his client

has no objection if FIR is quashed.

3. Learned Counsel for the complainant has filed reply on behalf of Respondent No. 2 in court today. The same is taken on record. In para 9 of

the said reply, it has specifically been stated that the answering Respondent has no objection if the FIR is quashed as the compromise has already

been reached at between the parties.

4. As per the allegations, Respondent No. 2 entered into an agreement to sell qua land belonging to Petitioner No. 2 through Petitioner No. 1,

being her General power of attorney. As per agreement to sell dated 23.02.1999, Respondent No. 2 paid an amount of Rs. 2,00,000/-as earnest

money in cash and remaining amount was to be paid by him on 30.03.1999. However, Respondent No. 2 did not turn up to pay the remaining

amount of Rs. 2.86 lacs on 30.03.1999. Later on, Respondent No. 2, issued two cheques amounting to Rs. 2.86 lacs to the Petitioners. But the

same were dishonoured on its presentation. The Petitioner then filed a complaint against Respondent No. 2 u/s 138 of the Negotiable Instrument

Act, 1981. Thereafter, Respondent No. 2 filed the present FIR against the present Petitioners. Now, the matter has been amicably resolved and

complainant has no objection if the said FIR is quashed.

5. The Full Bench of this Court in the case of Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR 1052 has observed as under:

The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power u/s 482 of the

Code of Criminal Procedure is used to enhance such a compromise which, in turn, enhances the social amity and reduced friction, then it truly is

finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such

matters can safely be dealt with by the court exercising its power u/s 482 of the Code of Criminal Procedure in the event of a compromise, but this

is not to say power is limited to such cases. There can never be any such rigid rules to prescribe the exercise of such power.

6. The Apex Court in the case of " Madan Mohan Abbot Vs. State of Punjab, emphasised in para No. 6 as follows:

6. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should

ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the

prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding

more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities

of the law.

7. Taking into account the allegations, compromise dated 31.01.2001 which has not been denied, as well as reply filed by the complainant, there is

no impediment in the way of this Court to quash the present FIR and subsequent proceedings arising out of the same in view of the above said

settled proposition of law.

8. Accordingly, the present petition is allowed and FIR No. 147 dated 16.12.1999 u/s 420, 467, 468, 471, 120B of Indian Penal Code, Police

Station Banaur, District Patiala and further proceedings arising out of the same are hereby quashed.

9. Allowed in the aforesaid terms.