

Dilbag Singh Vs State of Punjab and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 28, 2014

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 482
Penal Code, 1860 (IPC) â€” Section 120B, 420, 465, 468, 471

Hon'ble Judges: Inderjit Singh, J

Bench: Single Bench

Advocate: L.S. Sidhu, Advocate for the Appellant; Jaspreet Singh, Assistant Advocate General, Punjab for the respondent-State, Mr. D.S. Sidhu, Advocate for complainant-respondent No. 2 and Ms. Balbir Kaur, respondent No. 2 present in person and Mr. Vikas Gupta, Advocate also for respondent No. 2, Advocate for the Respondent

Final Decision: Allowed

Judgement

Inderjit Singh, J.

This petition has been filed u/s 482 Cr.P.C. praying for quashing of FIR No. 68 dated 6.5.2012 (Annexure-P. 1)

registered for the offences under Sections 420, 465, 468, 471 and 120B IPC at Police Station Goindwal Sahib, District Tarn Taran qua the

petitioner and all subsequent proceedings arising therefrom in view of the compromise dated 28.1.2014 (Annexure-P. 2).

2. The FIR has been registered on the statement of complainant-Balbir Kaur against Sukhwinder Singh and Dilbag Singh on the allegations that the

accused wanted to embezzle their land/property by preparing fake "Will" of her deceased husband Piara Singh. She stated that during his life time,

her husband had not executed any Will in favour of anybody. But the accused have played fraud by preparing fake Will as they wanted to

embezzle their land/property. Inquiry was conducted and during inquiry the name of the petitioner came and present FIR was registered against

Sukhwinder Singh and Dilbag Singh (petitioner). Both the parties are residing in the same area. Now with the intervention of respectables of the

locality, they have settled their dispute and wanted to reside peacefully as good citizens and now they have compromised the matter.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Chief Judicial Magistrate,

Tarn Taran for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate has sent

her report dated 15.5.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and

the same is genuine one. Complainant Balbir Kaur has stated that the matter has been compromised voluntarily, which is without any undue

pressure and she has no objection if the FIR in question is quashed.

4. On 26.5.2014, Mr. Vikas Gupta, Advocate also appeared on behalf of respondent No. 2 and filed his "Vakalatnama" in the Court. He stated

that as per his instructions Balbir Kaur has not given a statement before the trial Court regarding compromise whereas the other counsel i.e. Mr.

D.S. Sidhu, Advocate stated that compromise has been effected. They were directed to produce Balbir Kaur-respondent No. 2 in the Court.

5. Today, Balbir Kaur complainant-respondent No. 2 appeared in person and stated that Mr. D.S. Sidhu, Advocate is her counsel. She further

submitted that she has compromised the matter and also stated that she has given statement before the learned trial Court qua the petitioner only.

She further stated that she has no objection if the FIR is quashed qua the petitioner.

6. Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent

No. 2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to

the quashing of the FIR in view of the law laid down by the Hon"ble Supreme Court.

7. I have gone through the record and have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab and

learned counsel for complainant-respondent No. 2.

8. In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties

to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the

parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction

are bleak.

9. The Hon"ble Supreme Court in Gian Singh Vs. State of Punjab and Another, , has held that the inherent jurisdiction of this Court u/s 482

Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or

such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or

personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact

that the matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and

FIR No. 68 dated 6.5.2012 (Annexure-P. 1) registered for the offences under Sections 420, 465, 468, 471 and 120B IPC at Police Station

Goindwal Sahib, District Tarn Taran and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.