

Hardeep Singh and Others Vs. V.

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Court : Punjab and Haryana

Decided On : May-24-2013

Appellant : Hardeep Singh and Others

Respondent : V.

Judgement :

CRM-M No.21016 of 2010 ::1:: IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM-M No.21016 of 2010 Date of decision : May 24, 2013 Hardeep Singh and otheRs.....Petitioners v.

State of Punjab and another,Respondents *** CORAM : HON'BLE MR.JUSTICE AJAY TEWARI *** Present : Mr.P.K Gupta, Advocate for the petitioneRs.Ms.Amarjeet Khurana, Addl.

A.G Punjab for respondent No.1.

Mr.Sushil Saini, Advocate for respondent No.2.

*** 1.

Whether Reporters of Local Newspapers may be allowed to see the judgment ?.

2. To be referred to the Reporters or No.?.

3. Whether the judgment should be reported in the Digest ?.

*** AJAY TEWARI, J (Oral) Prayer in this petition is for quashing of FIR No.55, dated 13.3.2010, registered under Sections 376, 406, 420, 498-A, 120-B of the IPC, at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

On 10.5.2013, the following order was passed :- Report of the Judicial Magistrate Ist Class Khanna has been received as per which the amount of ` 15 lacs have been paid.

Consequently, learned counsel states that FIR No.55, dated 13.3.2010 under Section 376, 406, CRM-M No.21016 of 2010 ::2::

420. 498-A, 120-B IPC PS Sadar Khanna and FIR No.154 dated 16.6.2010 under Sections 420, 465, 466, 467, 468, 471, 120-B IPC Police Station City Khanna may be quashed.

However, learned AAG opposes the prayer on the ground that in both these FIRs there is also an allegation with regard to making of a forged passport by the petitioners. Learned counsel for the petitioners states that in respect of the offences under the Passports Act, FIR No.39 dated 29.1.2013 registered at P.S Sadar Khanna has been lodged and the petitioner is not praying for quashing the same.

Learned AAG seeks a short adjournment to verify this fact.

Adjourned to 24.5.2013.

Copy of the order be handed over to the learned AAG under the signatures of the Court Secretary.

A photocopy of this order be placed on the files of connected cases.

Today, counsel for respondent No.1, on instructions from ASI Malkiat Singh, has accepted the factual assertion that in respect of allegations of making a forged passport, FIR No.39, dated 9.3.2013, Police Station Sadar Khanna has been registered, and has also accepted the fact that there is no prayer for quashing of the said FIR in this petition.

In these circumstances, counsel for the State of Punjab as well as counsel for the complainant have no objection if the present FIR is quashed.

Counsel for the petitioners has further stated that at the time when interim bail was granted to the petitioners, some articles had been handed over to the police and not since a lump sum settlement has been made, the said articles should be returned to the petitioners. Counsel for the State of Punjab submits that the articles, if any, which are lying with the police, will have to be returned to the petitioners. In view of the facts, noticed herein above, it is apparent that both the parties have arrived at a bona fide settlement.

I am of the opinion CRM-M No.21016 of 2010 ::3:: that it would be in the interest of justice, as also in the interest of parties, if the present FIR and all subsequent proceedings, emanating therefrom are quashed.

It is a fit case where this Court should exercise jurisdiction, under Section 482 of the Cr.P.C to put an end to these futile criminal proceedings.

Even otherwise, a Full Bench of this Court has issued broad guidelines in *Kulwinder Singh and others vs State of Punjab and another*, 2007(3) RCR (Crl) 1052, for quashing of the FIR where parties enter into compromise.

Resultantly, this petition is allowed and FIR No.55, dated 13.3.2010, registered under Sections 376, 406, 420, 498-A, 120-B of the IPC, at Police Station Sadar Khanna, Police District Khanna, District Ludhiana as well as subsequent proceedings arising there-from is quashed.

(AJAY TEWARI) May 24, 2013.

JUDGE `kk'

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