

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc.No.M-13326 of 2015
Date of Decision: December 10, 2015**

Sukhwinder Singh & Ors.

...Petitioners

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Kamal Narula, Advocate,
for the petitioners.

Mr.P.S.Paul, DAG, Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by the petitioners, for quashing of FIR No. 163, dated 30.10.2014 (Annexure P-1), for the offences punishable under Sections 120-B, 406 and 506, IPC, registered at Police Station, Kot Isah Khan, District Moga, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 27.04.2015, the affected parties were directed to appear before the learned trial Court/Illaq Magistrate, for getting their respective statements recorded with

regard to the compromise. The said Court was also directed to send a detailed report in that regard alongwith copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned trial Court and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/aggrieved person, Kulwinder Kaur suffered the following statement:-

“It is stated that I am the complainant in the present case arising out of FIR No.163, dated 30.10.2014, u/s 406/506/120-B, IPC, P.S.Kot Ise Khan, Moga. The matter in dispute has been compromised amicably with the interevention of the respectable of society. I have made compromise with the said accused by my free will and without any threat, pressure or coercion. The compromise will help in restoring good relation and harmony between the parties. I have no objection if petition u/s 482 Cr.P.C., filed by accused in the Hon'ble Punjab and Haryana High Court is allowed and FIR be quashed.”

The petitioners also suffered the statement admitting the factum of the compromise. The operative part of the report received from learned Court below is as under:-

“Thus, under these circumstances, the compromise

between the complainant, Kulwinder Kaur and accused Sukhwinder Singh, Rajwinder Kaur and Sharanjit Kaur @ Swaranjit Kaur seems to be genuine and without any pressure or coercion. Copy of original statements are enclosed. This is for your kind information.”

Learned counsel for the petitioners submits that the allegations against the petitioners were that respondent No.2/ informant, Kulwinder Kaur, had paid ₹2,50,000/- (Rupees two lacs and fifty thousand only) and four tolas gold to the petitioners for sending her nephew to Dubai. When the petitioners failed to keep their words, then respondent No.2 had lodged the impugned FIR. He further submits that due to intervention of the respectable and elderly people of the society, the matter has been resolved and the private parties have effected a compromise (Annexure P-2). At present, there remains no dispute amongst the private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC),

and judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052.

Learned counsel for the State after going through the statements and the report received from learned Court below, and taking instructions from HC Gurmej Singh, Police Station, Kot Isah Khan, Moga, submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that the offences, alleged to have been committed by the petitioners, are personal in nature. During pendency of the case, better sense has prevailed and both the parties have resolved their dispute and effected a compromise (Annexure P-2). The copies of the statements along with the report received from learned Court below would further strengthen the factum of compromise.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 163, dated 30.10.2014 (Annexure P-1), for the offences punishable under

Sections 120-B, 406 and 506, IPC, registered at Police Station, Kot
Isah Khan, District Moga and all the consequential proceedings
arising therefrom are hereby quashed.

December 10, 2015
seema

(Naresh Kumar Sanghi)
Judge