

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-17641 of 2015

DATE OF DECISION: 02.09.2015

Jasvir Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present:- Ms. Jigyasa Tanwar, Advocate
for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

Mr. Tejinder Pal Singh, Advocate
for respondents No.2 and 3.

DAYA CHAUDHARY, J.

Petitioner-Jasvir Kaur faced trial in case FIR No. 152 dated 16.9.2002 registered under Sections 420, 120-B/34 IPC at Police Station Zira, District Ferozepur and was convicted and sentenced by Sub Divisional Judicial Magistrate, Zira vide its judgment dated 27.2.2012 for offences punishable under Section 120-B IPC for a period of one year and under Section 420 read with Section 120 IPC for a period of one and a half years with fine of ₹ 1000/-.

Against the aforesaid judgment, the petitioner filed an appeal before the Sessions Judge, Zira and during the pendency of appeal, a

compromise has been arrived at between the parties. Now the present petition has been filed for compounding of offence during pendency of appeal on the basis of compromise as well as for quashing of the criminal proceedings arising out of the aforesaid FIR.

Notice of motion was issued in the case on 27.5.2015 and vide order dated 16.7.2015, both the parties were directed to appear before the trial Court on 27.7.2015 for recording of their statements with regard to compromise. In compliance of aforesaid order dated 16.7.2015, both the parties appeared before SDJM, Zira and their statements were recorded. A report in this regard along with the statements of the parties has been sent by SDJM, Zira and the same are on record. It has been mentioned in the report that a joint statement of complainant-Bhajan Singh and eye witness-Baldev Singh has been recorded, wherein, the factum of compromise has been affirmed. It has further been mentioned in the report that the complainant as well as eye witness have specifically stated in their statement that they do not want to take any action against the accused person and have no objection even in quashing of the FIR as well as other proceedings arising therefrom. It has also been mentioned in the report that the compromise and the statements suffered by the parties is voluntarily and without any pressure.

Admittedly, the dispute between the parties has been settled during pendency of the appeal and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. The offence under Section 420 IPC is compoundable and the same can be compounded in case there is compromise between the parties. Section 120-B IPC is non-compoundable but since the dispute between the parties has been settled and the compromise is in the interest of the parties, this Court has inherent power under Section 482 Cr.P.C. to quash the

proceedings even in non-compoundable offences.

Since the compromise between the parties is to maintain peace and harmony in the relations and the complainant has no objection in quashing of the FIR as well as other criminal proceedings arising therefrom, the present petition is allowed and FIR No. 152 dated 16.9.2002 registered under Sections 420, 120-B/34 IPC at Police Station Zira, District Ferozepur qua to petitioner, namely, Jasvir Singh along with all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 27.2.2012 are hereby quashed.

September 02, 2015
pooja

(DAYA CHAUDHARY)
JUDGE