

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-24089 of 2013

Date of Decision: February 09, 2015

Kuljit Kaur and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rohit Dheer, Advocate
for the petitioners.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

None for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.69 dated 14.12.2008 under Sections 465, 466, 469 and 471 IPC registered at Police Station Old Shalley, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 01.12.2012 duly effected before the Mediation and Conciliation Centre of this Court in case FAO No.101 of 2012 in FAO No.M-94 of 2011 titled as 'Kuljit Kaur vs. Harpal Singh'

Notice of motion was issued in this case and learned State Counsel appeared, filed reply and contested this petition. None appeared on behalf of respondent No.2 despite service.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

The compromise Annexure P-2 has been placed on record, which was effected between the parties before Mediation and Conciliation Centre of this Court where Kuljit Kaur petitioner as well as Harpal Singh appeared and effected the compromise. In this compromise, it is one of the condition that both the parties have agreed that they will withdraw all the civil and criminal cases or any complaint pending against each other and family members of both the parties before any Court and the details of the present case are also mentioned. As per this compromise, ₹7 lacs are to be given by respondent to the petitioner-wife and minor son. The copies of drafts have been placed on record to show that this compromise has been complied with regarding this condition. Similarly, the order dated 16.07.2012 Annexure P-4 has been placed on record passed in case FAO No.M-94 of 2011 that in view of the compromise effected between the parties, the appeal is dismissed as withdrawn and decree of divorce granted by the learned Addl. District Judge, Gurdaspur has been affirmed. Again, Annexure P-5 shows that in view of the compromise, FIR No.64 dated 31.05.2005 under Sections 406 and 498-A has also been quashed.

In view of the above documents, it is clear that a compromise has already been effected between the parties. Even though, respondent No.2 has not appeared in the Court but from all the above documents, it is clear that respondent No.2 has also taken

the benefit under the compromise in question and FIR No.64 dated 31.05.2005, which was against respondent No.2 etc. has already been quashed in view of the statement of Kuljit Kaur-present petitioner.

In view of the above discussion, I find that a compromise has already been effected between the parties before the Mediation and Conciliation Centre of this Court. Therefore, finding merit in the present petition, the same is allowed. FIR No.69 dated 14.12.2008 under Sections 465, 466, 469 and 471 IPC and all subsequent proceedings arising therefrom are hereby quashed.

February 09, 2015
Vgulati

(INDERJIT SINGH)
JUDGE