

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-40460 of 2014(O&M)
Date of Decision: 18.3.2015

Sukhwinder Kaur

--Petitioner

Versus

State of Punjab and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Parvez Akhtar, Advocate for the petitioner.

Mr. Mikhail Kad, A.A.G., Punjab.

Mr. Kuldeep Singh, Advocate for respondent no.2.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C for quashing of F.I.R. No.223 dated 27.12.2007 under Sections 406, 420, 465, 467, 468, 471, 120-B I.P.C registered at Police Station, Haibowal, District Ludhiana.

The pleaded case is that the petitioner has since compromised the matter with the complainant and an amicable settlement has been arrived at.

It has also gone uncontroverted that initially the petitioner had not joined the process of law and had been declared a Proclaimed Offender. However, subsequently the petitioner had surrendered before the Trial Court and had joined proceedings.

On 27.11.2014, while issuing notice of motion, this Court had directed the parties to appear before the Trial Court for recording of their statements in support of the compromise and a report had been called for.

Placed on record is a report dated 3.1.2015 of J.M.I.C., Ludhiana and a perusal thereof would reveal that the statements of complainant Chaman Lal Ahuja as also accused Sukhwinder Kaur were duly recorded on 24.12.2014 and it has been opined that the compromise has been entered into voluntarily and without any pressure or coercion. Even the statements of the parties that were recorded on 24.12.2014 stand appended along with the report.

Learned counsel appearing for respondent no.2 also makes a statement at the bar that he has no objection to the F.I.R being quashed in the light of compromise having been effected.

A Full Bench of this Court in case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (Criminal) 1052* has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C can intervene and bring to an end criminal prosecution in the light of any compromise that may have been effected even in relation to non-compoundable offences.

Adverting back to the facts of the present case the dispute between the parties, which was essentially civil in nature, having been settled and a compromise having been arrived at, continuation of criminal proceedings would be seen as an abuse of the process of law as also of the Court.

Accordingly, petition is allowed. F.I.R. No.223 dated 27.12.2007 under Sections 406, 420, 465, 467, 468, 471, 120-B I.P.C registered at Police Station, Haibowal, District Ludhiana and all proceedings emanating therefrom qua the petitioner, stand quashed.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

March 18, 2015