

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No. M- 41801 of 2014(O&M)

Date of Decision: February 23, 2015.

Rani Paul Kashyap

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Surjeet S.Chaudhary, DAG, Punjab.

Mr. Sahil Garg, Advocate for
Mr. Ajit Sihag, Advocate
for respondent No.2-complainant.

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?

LISA GILL, J.

1. Petitioner seeks quashing of FIR No.251 dated 07.11.2012, under Sections 406/420 IPC, registered at police station Division No.8, Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise dated 01.12.2014 (Annexure P2) having been entered into between the parties.

2. Aforesaid FIR has been registered on the basis of an application by Gurjeet Singh, respondent No.2 alleging the commission of offences punishable under Sections 406/420 IPC against the petitioners.

3. Learned counsel for the petitioner contends that petitioner has been residing in United Kingdom and has not visited India since January, 2007. Even as per allegations in the FIR, she is stated to be in England at the relevant time.

4. Due to the intervention of respectables, elders and friends, a settlement has been arrived at between the parties on 01.12.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this settlement.

5. This Court on 15.12.2014 had directed the parties to appear before learned trial court for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise.

6. Pursuant thereto, report dated 08.01.2015 has been received from the learned Judicial Magistrate First Class, Jalandhar wherein it is stated that settlement between the parties is genuine and voluntary and is arrived at without any without any pressure or undue influence. Statements of the parties have been appended alongwith this report.

It is noted that complainant – Gurjeet Singh has recorded his statement to the effect that the settlement has been effected between them without any undue pressure from any quarter out their own free will. There is nothing due towards him from petitioner, Rani Paul Kashyap and all claims of the complainant have been satisfied.

7. Mr.Sahil Garg, Advocate for Mr. Ajit Sihag, Advocate, learned counsel for Gurjeet Singh, complainant/respondent No.2 affirms and verifies the factum of settlement between the parties and submits that respondent No.2 has no objection to the quashing of the aforesaid FIR against the petitioner.

8. In Kulwinder Singh and others versus State of Punjab and another 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

9. In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility as the chances of conviction of the petitioner are bleak.

10. This petition is, thus, allowed and FIR No.251 dated 07.11.2012, under Sections 406/420 IPC, registered at police station Division No.8, Jalandhar alongwith all consequential proceedings is, hereby, quashed.

February 23, 2015.
'om'

(LISA GILL)
JUDGE