

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-42264-2014(O&M)

Date of decision: 03.03.2015

Neena Sharma @ Anjali Sharma

.. Petitioner

Vs.

State of Punjab and others

.. Respondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Gurmeet Singh, Advocate for the petitioner.
Mr. Deepak Garg, AAG, Punjab.
Mr. N.S.Sidhu, Advocate for respondents No.2 and 3.

Mahesh Grover, J

The petitioner has sought quashing of the FIR No.84 dated 20.06.2012 registered under Sections 406, 420 read with Section 120-B IPC and Section 24 of Indian Emigration Act (added lateron) at Police Station Matour, District SAS Nagar (Mohali), on the basis of compromise (Annexure P/2) with the complainant.

This court vide order dated 11.12.2014 called the report of the trial court qua the genuineness of the compromise (Annexure P/2). The trial court after recording the statements of the parties has also reported that the compromise is voluntary and without any pressure or coercion.

The Full Bench of this Court in the case of *Kulwinder Singh and others vs. State of Punjab and another* 2007 (3) RCR (Crl.) 1052 has held that the FIR can be quashed on the basis of compromise by exercising inherent power under Section 482 Cr. P. C., even if the offences are not compoundable.

In view of the compromise arrived at between the parties, the continuance of the proceedings against the petitioner would amount to misuse of the process and there will be no fruitful out come thereof as due to settlement between the parties, the trial is likely to result into acquittal.

Having regard to the aforesaid and drawing sustenance from the observations made in Full Bench judgment rendered in ***Kulwinder Singh's*** case (*supra*), this petition is accepted and the FIR No. 84 dated 20.06.2012 registered under Sections 406, 420 read with Section 120-B IPC and Section 24 of Indian Emigration Act (added lateron) at Police Station Matour, District SAS Nagar (Mohali) along with all consequential proceedings arising therefrom is quashed.

03.03.2015

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(Mahesh Grover)
Judge