

277.

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-11157-2016**

Date of decision:26.09.2016

Sukhwant Kaur and another

... Petitioners

versus

State of Haryana and another

.... Respondents

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

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Present: Mr. Parveen Chauhan, Advocate,  
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

Mr. R.K. Aggarwal, Advocate,  
for respondent No.2.

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**HARI PAL VERMA, J.**(*Oral*)

Prayer in this petition is for quashing of FIR No.40 dated 03.02.2012 under Sections 409, 420, 467, 468, 471 and 120-B IPC registered at Police Station Indri, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.01.2016 (Annexure P-4).

This Court vide order dated 27.05.2016 had directed the parties to appear before the trial Court and the Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional Civil Judge (Senior Division)-cum-Sub Divisional Judicial Magistrate, Indri and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted

her report dated 14.06.2016 to the effect that the compromise has been effected between parties voluntarily and without any pressure and the same is genuine one.

Respondent No.2-complainant, namely, Rishipal has made his statement with regard to compromise before learned Magistrate on 10.06.2016 to the effect that with the intervention of respectables, he has effected compromise with the accused without any pressure and now, he wants the FIR to be quashed against the accused.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between parties.

I have heard learned counsel for the parties.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by a report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of process of law since chances of conviction also break.

Keeping in view the factum of compromise effected between the parties and the law laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and FIR No.40 dated 03.02.2012 under Sections 409, 420, 467, 468, 471 and 120-B IPC registered at Police Station Indri, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.01.2016 (Annexure P-2), however, subject to payment of costs of

₹11,000/- to be deposited by the petitioners with the Gram Panchayat of Village Khera, Tehsil Indri, District Karnal, within a period of four weeks from today.

It is made clear that in case, the petitioners fail to deposit the amount of cost with the Gram Panchayat, the instant petition shall be deemed to be dismissed in toto.

**(HARI PAL VERMA)**  
**JUDGE**

26.09.2016  
sanjeev

Whether speaking/reasoned  
Whether Reportable:

Yes/No.  
Yes/No.