

273.

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

CRM-M-19974-2016

Date of decision:04.10.2016

Mandeep Kaur

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Imran Farooqui, Advocate,
for Mr. Rajeev K. Kapila, Advocate,
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.46 dated 03.07.2015 under Sections 420, 494, 495 IPC, registered at Police Station Qila Lal Singh, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 10.05.2016 (Annexure P-2).

This Court vide order dated 02.06.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Batala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 27.07.2016 to the effect that the compromise effected between parties is genuine one, without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Kuldeep Kaur, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 22.07.2016. The same is being reproduced as under:-

“Stated that the present FIR bearing no.46 dated 03.07.2015 under section 420/494/495 IPC, Police Station Qilla Lal Singh was registered against accused namely Mandeep Kaur on my statement. Now I have compromised the matter with accused Mandeep Kaur with the intervention of the respectables vide compromise deed. Original of compromise deed is Ex.C1. I have no objection if the present FIR bearing no.46 dated 03.07.2015 under section 420/494/495 IPC, Police Station Qilla Lal Singh, Batala be quashed. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C2. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles 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 F.I.R. No.46 dated 03.07.2015 under Sections 420, 494, 495 IPC, registered at Police Station Qila Lal Singh, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 10.05.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.