

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

**Criminal Misc. No. M-22793 of 2016
Date of Decision:-07.12.2016**

Narinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Sahil Soi, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

None for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.239 dated 26.11.2014, under Sections 406 and 420 IPC, registered at Police Station Model Town, Hoshiarpur, District Hoshiarpur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 16.5.2016 (Annexure P-2).

Vide order dated 11.7.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 11.7.2016, the parties have appeared before the learned Magistrate on 24.8.2016 for getting their statements recorded.

The report dated 29.8.2016 received from the learned Judicial Magistrate 1st Class, Hoshiarpur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Bhavjinder Singh before the JMJC, Hoshiarpur, on 24.8.2016 reads as under :-

“The FIR No.239 dated 26.11.2014 under Sections 406, 420 of IPC, P.S. Model Town, Hoshiarpur was registered on my statement against Narinder Kaur wife of Sham Singh resident of village Guga Patti Haryana, P.S. Haryana, District Hoshiarpur. But now with the intervention of the respectable we have entered into a compromise with accused Narinder Kaur. I have effected the compromise with the accused person without any fear, coercion and undue influence and voluntarily and without any pressure. I have no objection, if the above FIR is quashed against the accused Narinder Kaur.”

Learned State counsel does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

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

chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.239 dated 26.11.2014, under Sections 406 and 420 IPC, registered at Police Station Model Town, Hoshiarpur, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

December 07, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No