

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

**Criminal Misc. No. M-26988 of 2016
Date of Decision:-23.11.2016**

Surjit Kaur and others

...Petitioners

Versus

State of Haryana and another

...Respondents

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

Present:- Mr. G.S. Sandhu, Advocate
for the petitioners.

Mr. Vishal Garg, Additional A.G., Haryana.

Ms. Shailja Sharma, Advocate
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.206 dated 19.4.2013, under Sections 406, 420, 467, 468, 471, 506 and 120-B (Sections 419 and 216 IPC added later on), registered at Police Station Assandh, District Karnal (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 21.7.2016 (Annexure P-2).

Vide order dated 8.8.2016, 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 8.8.2016, the parties have appeared before the learned Magistrate on 08.9.2016 for getting their statements recorded.

The report dated 12.9.2016 received from the learned Sub Divisional Judicial Magistrate, Assandh, reveals that the compromise has been effected between the parties without any undue pressure.

Complainant Joginder Kaur @ Jaminder Kaur appeared before the SDJM, Assandh, on 8.9.2016 and recorded her statement to the effect that she had registered the case against her brother Bakhtawar Singh, mother Surjit Kaur etc. Now, she has compromised the matter with all accused persons i.e. her mother Surjit Kaur, Bakhtawar, Raj Singh, Shamsher Singh, Harvinder Singh, Surjit Kaur wife of Attar Singh, Gulab Singh, Lakhwinder Singh and Lakhmi Chand. She has compromised the matter with her own free will and without any fear or pressure. Now there is no grouse in between them. She has no objection if the present FIR is quashed. She does not want to pursue against the accused persons further. No criminal case has been registered against her ever. She has filed a civil suit against her brother Bakhtawar, mother Surjit Kaur and one Sunita Devi, which has been withdrawn by her because the matter has been compromised.”

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

Learned State counsel also 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.206 dated 19.4.2013, under Sections 406, 420, 467, 468, 471, 506 and 120-B (Sections 419 and 216 IPC added later on), registered at Police Station Assandh, District Karnal and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

November 23, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No