

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

**Criminal Misc. No. M-28643 of 2016
Date of Decision:-30.11.2016**

Asha Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. G.S. Rawat, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.109 dated 24.6.2016, under Sections 420 and 406 IPC, registered at Police Station Division No.5, Jalandhar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 19.8.2016, 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 19.8.2016, the parties have appeared before the learned Magistrate on 19.9.2016 for getting their statements recorded.

The report dated 4.10.2016 received from the learned Judicial Magistrate 1st Class, Jalandhar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Gurvinder Singh before the JMJC, Jalandhar, on 19.9.2016 reads as under :-

“I had got registered an FIR No.109 dated 24.6.2016 under Sections 406 and 420 IPC at P.S. Division No.5, Jalandhar against accused petitioner Asha Rani daughter of Harbans Lal, resident of 86/6, Bhargo Camp, Jalandhar. Now a compromise has taken place between me and my wife on one hand and the petitioner Asha Rani on the other. I have got no objection in case the above said FIR No.109 dated 24.6.2016 is quashed by the Hon'ble High Court of Punjab & Haryana at Chandigarh. I am making my statement voluntarily, without any pressure or without any coercion from any quarter. I have brought my Adhar Card as proof of my identity today in the Court and the copy of the same is Mark-A.”

Similar statement has also been made by respondent No.3 Parminder Kaur wife of complainant Gurvinder Singh, whereby she has also shown no objection to the FIR being quashed.

Learned counsel appearing for respondent Nos.2 and 3 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.109 dated 24.6.2016, under Sections 420 and 406 IPC, registered at Police Station Division No.5, Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

November 30, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No