

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29535-2016

Date of decision-05.10.2016

Kavita Bajaj

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.199 dated 03.09.2015 registered under Sections 420, 406, 465, 467, 468, 471, 474 and 120-B of Indian Penal Code at Police Station Zirakpur, District Mohali, Punjab.

Perused.

Though the matter has been compromised with the petitioner but other accused have not compromised the matter with the complainant. The quashing of FIR has been sought by one of the accused. This Court is of the opinion that partial quashing of FIR cannot be allowed.

A similar view was taken by this Court in CRM-M-36217-2014 decided on 29.10.2014 wherein the following was observed:-

“7.Likewise, there is yet another aspect of the matter, which can be viewed entirely from a different angle. As indicated hereinabove, the present case was registered against the petitioner and his other pointed three co-accused, but the petitioner alone has filed the instant 2nd petition to quash the impugned FIR on the basis of alleged copy of vague affidavit (Annexure P2), without compromising the matter, without impleading all the accused and without complying with the previous

order dated 5.9.2014 of this court. Not only that, the alleged affidavit, copy of which is Annexure P2 is as vague as anything. It has only been mentioned that both the parties have compromised the matter in dispute. How, when, in what manner and on what terms & conditions, all the concerned parties have settled the dispute with the complainant, remains an unfolded mystery. On the contrary, the remaining accused namely, Gurmit Singh alias Kala, his father Nirmal Singh and mother Jasvir Kaur, have neither entered into compromise with the complainant nor filed any affidavit in this relevant connection. Above-all, even co-accused of the petitioner Nirmal Singh and Jasvir Kaur were not impleaded in this petition.

8. Therefore, such FIR containing very serious and direct allegations of commission of heinous offences cannot partially be set aside in the absence of any written deed of compromise by all affected/aggrieved persons in a routine manner on the petition filed by the petitioner (single accused), as contrary urged on her behalf. Thus, it would be seen and considering the matter from any angle, to my mind, no ground, muchless cogent, to invoke the extra ordinary jurisdiction of this court u/s 482 Cr.PC is made out to partially quash the impugned FIR in the absence of all concerned parties in the obtaining circumstances of the case.”

Consequently, the petition stands dismissed.

However, the petitioner is at liberty to approach this Court after impleading all the accused.

(JITENDRA CHAUHAN)
JUDGE

October 05, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No