

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

CRM-M-38558 of 2015

Date of decision: 08.04.2016

Neena Sharma @ Anjali Sharma

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Dr. Sheelly Sharma, Advocate for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

Mr. Nirmaljit Singh, Advocate for
Mr. Satish Singla, Advocate for
respondent No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.141 dated 26.08.2012 under Sections 406, 420 of IPC and Section 24 of Immigration Act (Annexure P-1), registered at Police Station Matour Distt. SAS Nagar (Mohali) (Punjab) and all consequential proceedings arising therefrom on the basis of compromise dated 05.11.2015 (Annexure P-2).

This Court vide order dated 16.11.2015 had directed the parties to appear before the trial Court on 14.12.2015 or any other date convenient to the Court to get their statements recorded with

regard to compromise and the trial Court was directed to submit its report along with the statements of the parties qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 16.11.2015, the parties have appeared before learned Judicial Magistrate Ist Class, SAS Nagar (Mohali) and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 22.12.2015 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

The statement made by the complainant-respondent No.2, namely, *Manjinder Singh* son of Gurcharan Singh before the Magistrate on 14.12.2015, reads as under:-

"I have compromised the matter relating to FIR No.141 dated 14.12.2012 u/s. 420, 406, 120-B of IPC & 24 of Immigration Act, PS Matour with accused Neena Sharma and a written compromise has been reduced into writing in this regard, copy of which is Ex. C1. I also bound myself to give the same statement in FIR No.143/2011, if required by the Hon'ble Court. I have entered into the compromise out of my own free will and consent and without any coercion or pressure from any corner. I have no objection if the present FIR against all the accused is quashed as per the above said compromise."

Apart from the statement of the complainant-respondent No.2-*Manjinder Singh*, whereby he has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the

instant FIR.

Learned counsel for respondent No.2-complainant admits the factum of compromise entered into between the parties.

Learned counsel for the State has also not disputed the factum of compromise entered into between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.141 dated 26.08.2012 under Sections 406, 420 of IPC and Section 24 of Immigration Act (Annexure P-1), registered at Police Station Matour Distt. SAS Nagar (Mohali) (Punjab) and all other consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 05.11.2015 (Annexure P-2).

08.04.2016
Anjal

[HARI PAL VERMA]
JUDGE