

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

CRM-M-3961 of 2016
Date of decision: 30.05.2016

Rajesh Sabharwal

-----Petitioner (s)

V/s

State of Punjab and 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:- Ms.Neha Jain, Advocate for
Mr.K.S. Dadwal, Advocate
for the petitioners.

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

Ms.Lovedeep Kaur, Advocate for
Mr.B.S. Bhalla, Advocate
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.99 dated 06.06.2015 under Sections 420, 465, 468, 471 and 120-B IPC as well as Section 12 of the Passports Act, 1967 registered at Police Station Navi Baradari, District Jalandhar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.01.2016 (Annexure P-2).

This Court vide order dated 04.02.2016 and 11.03.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa

Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid orders, the parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 12.04.2016 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 respondent No.2/complainant, namely Ritu Sharma daughter of Sham Kumar Sharma with regard to validity of the compromise before learned Magistrate on 12.04.2016, reads as under:-

“Stated that I do not want to proceed with the present case. Myself and Rajesh Sabharwal have arrived at a compromise at Punjab and Haryana High Court on 28.1.2016 and the copy of which is Ex.A1. The compromise was arrived at between us and now there is no grudge against each other. The compromise is arrived at out of my free will and consent without any force pressure or undue influence. I have no objection if the FIR no.99 dated 6.6.2015, regitered at PS Navi Baradari, Jalandhar against Rajesh Sabharwal is cancelled. I further have no objection if the passport authorities reissue or renew passports of Rajesh Sabharwal and Saiyam Sabharwal. Our all other matrimonial disputes have also been resololed vide compromise deed Ex.A1. Today I am making this statement out of my free will and consent without any force, pressure, coercion or undue influence.”

Apart from the above statement made by complainant/respondent No.2, whereby she 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.

Ms. Lovedeep Kaur, Advocate has put in appearance on behalf of Mr.B.S. Bhalla, Advocate for respondent No.2 and filed Power of Attorney in Court today which is taken on record. She also admits the factum of compromise arrived at between the parties.

Learned counsel for the State has also not disputed the factum of compromise arrived at 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 No.99 dated 06.06.2015 under Sections 420, 465, 468, 471 and 120-B IPC as well as Section 12 of the Passports Act, 1967 registered at Police Station Navi Baradari, District Jalandhar City (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 28.01.2016 (Annexure P-2).

28.05.2016
Anjal

[HARI PAL VERMA]
JUDGE