

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

CRL. MISC. No.M-43365 OF 2015 (O&M)
DATE OF DECISION : 11TH APRIL, 2016

Sudha Sardana & others

.... **Petitioners**

Versus

State of Punjab & another

.... **Respondents**

CORAM : HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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Present : Mr. B.S. Jaswal, Advocate for the petitioners.

Mr. Deep Singh, AAG, Punjab.

Mr. Bhriгу Dutt Sharma, Advocate for respondent No.2.

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ANITA CHAUDHRY, J. (ORAL)

The instant petition is for quashing of FIR No.13 dated 13.05.2013 registered under Sections 406, 498-A and 354 read with Section 34 IPC at Police Station NRI, District Hoshiarpur and the consequent proceedings arising out of the same, on the basis of written compromise (Annexure P-3) arrived at between the parties. Further challenge has been made to the order dated 07.10.2014 whereby petitioner No.3-Aseem Sardana was declared a proclaimed offender.

Learned counsel for the petitioners at the outset has submitted that the proceedings for declaring petitioner No.3 as proclaimed offender were initiated at his back when he was abroad.

Reference was made to the copy of passport Annexure P-9 showing

that petitioner No.3 lastly went abroad in the month of May 2013 and had not returned to India till date. It is apparent that when petitioner No.3 was declared proclaimed offender he was not in India. No proper procedure was adopted. Therefore, there is no legal impediment in setting aside order dated 07.10.2014 vide which petitioner No.3 was declared proclaimed offender. Ordered accordingly.

It has been contended that with the intervention of respectables petitioners No.1 and 2 on their behalf as well as on behalf of petitioner No.3, have entered into a compromise with the complainant Pooja Bhargav @ Pooja Sardana. Learned counsel for the petitioners further submitted that entire amount of ₹17,00,000/-, as agreed vide the compromise, has been paid to the complainant on different dates. Compromise Annexure P-3 has been placed on record.

Report has been received from learned JMIC, Hoshiarpur after statements of the parties were recorded regarding the compromise. Learned JMIC has reported that the compromise is voluntary and without any pressure or coercion. Learned JMIC has also sent statements of the parties and compromise.

Learned counsel for the State on instructions submits that petitioners are the only accused and respondent no.2 is the only aggrieved person in this FIR.

No useful purpose would be served to keep the FIR pending.

In view of the statements and report of the trial Court and the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, the instant petition is allowed and the aforesaid FIR and all consequent proceedings conducted on the basis thereof are quashed qua the petitioner.

It is pertinent to mention here that FIR 249 dated 22.09.2014 registered by petitioner No.1 against Pooja Bhargav @ Pooja Sardana, has also been quashed on the basis of compromise vide separate order of even date passed in separate petition.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

11th April, 2016
'raj'

(ANITA CHAUDHRY)
JUDGE