

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-6807 of 2016

Date of decision : 17.10.2016

Jaswinder Kaur @ Jasminder Kaur and others

..... Petitioners

versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. K.S. Sidhu, Advocate
for the petitioners

Mr. Deep Singh, AAG Punjab

Mr. K.S. Brar, Advocate
for respondents No. 2 and 3

ANITA CHAUDHRY, J. (ORAL)

The instant petition is for quashing of FIR No. 56 dated 14.04.2015 filed under Sections 406, 420 IPC (Section 376 IPC added later on) registered at Police Station City Moga and the consequent proceedings arising out of the same, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners contends that there were no allegations under Section 376 IPC in the complaint and the main dispute was that money had been taken for sending the persons abroad and the matter has been settled and the amount had been paid. The counsel further states that the MLR was got conducted in April 2015 and the allegations of rape were made after two years. The counsel refers to Annexure P-3.

Report has been received from the trial Court after statements of the parties were recorded regarding the compromise.

The trial Court has reported that the compromise is voluntary and without any pressure or coercion. The trial Court has also sent copy of statements of parties.

Learned State counsel on instructions submits that petitioners are the accused and respondents No. 2 and 3 are the complainant/aggrieved persons in this case.

No useful purpose would be served to keep the said 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 the consequent proceedings arisen out of the same are quashed.

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

October 17, 2016

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**(ANITA CHAUDHRY)
JUDGE**

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No