IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 7435 of 2016
Date of decision : September 02, 2016

Harvinder Kaur @ Binder Kaur and others,
..... Petitioners

v.

State of Punjab and another,
..... Respondents

***

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

***

Present : Mr. Gurmeet Singh, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG Punjab

Mr. TS Hundal, Advocate
for the complainant.

***

Ajay Tewari, J (Oral)

Prayer in this petition is for quashing of FIR No.151 dated 20.5.2015, registered under Sections 406, 420, 120-B of the IPC, at Police Station City Khanna, Police District Khanna, District Ludhiana, on the basis of compromise between the parties.

Allegations were that the petitioners and other co-accused took money from the complainant on the pretext of sending his son to

Kishan Kumar
2016.09.05 09:48
I attest to the accuracy and
authenticity of this document
High Court Chandigarh

Italy.

Pursuant to the order of this Court dated 10.5.2016, report dated 31.8.2016 from the JMIC, Khanna has been received attesting to the fact that the matter has been compromised between the parties.

On the last date, the following contention was noticed :-

> " Learned State counsel has stated that one of the accused has not been made party in the present petition. Learned counsel for the petitioners contended that the said accused is not in India, moreover, he only seeks quashing of FIR qua the present petitioners only."

In regard to the above contention, counsel for the petitioners has relied upon the decision of this Court in Parambir Singh Gill v. Malkiat Kaur, 2010(1) RCR (Criminal) 256, wherein it has held as follows :-

> " 10. Therefore, in view of the compromise that has been entered into between the petitioner and the complainant, the complaint (Annexure P1) is liable to be quashed qua the petitioner. The incident in respect of the other accused in the complaint (Annexure P1) is different and separate from that with the petitioner. As such the complaint against the other accused is to be tried in accordance with law. In *Sarabjit Singh v. State of Punjab, 2007(3) RCR (Crl) 479 (P&H)*, money was taken by the accused in the said case for sending the son of the complainant abroad, but the son of the complainant was sent to some other destination. The complainant had settled the dispute with the petitioner in the said case but not with the other accused who had also filed the petition in this Court

Kishan Kumar
2016.09.05 09:48
I attest to the accuracy and
authenticity of this document
High Court Chandigarh

> for quashing of the complaint. This Court quashed the complaint qua the petitioner in the said case by making it clear that the proceedings against the other accused would continue."

Learned counsel for the respondents are not in a position to cite any contrary judgment.

Accordingly, in view of the compromise, the present petition is allowed and FIR No.151 dated 20.5.2015, registered under Sections 406, 420, 120-B of the IPC, at Police Station City Khanna, Police District Khanna, District Ludhiana, and all subsequent proceedings, emanating therefrom qua the petitioners are quashed and the proceedings would continue in accordance with law against the other accused.

(AJAY TEWARI)
JUDGE

September 02, 2016
`kk'

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

Kishan Kumar
2016.09.05 09:48
I attest to the accuracy and
authenticity of this document
High Court Chandigarh