

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.119

CRM-M-2193-2017 (O&M)

Decided on : 07.02.2017

Rajinder Kumar Ghera

..... Petitioner(s)

VERSUS

Kulwinder Kaur

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Hitesh Kaplish, Advocate, for the applicant/petitioner.

DEEPAK SIBAL, J. (ORAL)

CRM-3379-2017

Allowed as prayed for.

CRM stands disposed of.

CRM-M-2193-2017

Through the present petition filed under Section 482 Cr. P.C., the petitioner seeks quashing of complaint No. 40, dated 19.09.2014, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC and summoning order dated 15.09.2015, passed by the Judicial Magistrate, Ist Class, Phagwara, on the basis of compromise dated 15.12.2016.

The impugned complaint had been filed by respondent-Kulwinder Kaur alleging fraud having been played upon her by the accused mentioned therein. Acting on her complaint and on the basis of preliminary evidence recorded, through impugned summoning order dated 15.09.2015, all the accused including the petitioner were summoned. However, on 19.09.2016 the petitioner and the respondent-complainant entered into a compromise and on the basis thereof on 20.09.2016, the respondent-complainant appeared before the trial court and stated that the matter had

been compromised between the parties on 19.09.2016 and as per the compromise, she wished to withdraw the complaint.

Mr. Navraj Singh, Advocate, appearing on behalf of the respondent-complainant admits the above facts and submits that he has no objection if the impugned complaint and the summoning order are quashed.

Once the complainant had herself made a statement before the court that she intended to withdraw the complaint on the basis of a compromise having been entered into between her and the petitioner, there was no reason why the trial court should not have permitted the withdrawal of such complaint being a private complaint at the instance of the complainant.

In view of the above, the petition is allowed and resultantly, complaint No. 40, dated 19.09.2014, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC and summoning order dated 15.09.2015, passed by the Judicial Magistrate, Ist Class, Phagwara, and all proceedings arising therefrom are ordered to be quashed.

07.02.2017

shamsher

[DEEPAK SIBAL]
JUDGE