

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-25506 of 2017

Date of Decision: 18.9.2017

Ramandeep Kaur and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. H.S.Gharuan, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

None for respondent No. 2.

HARI PAL VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 42 dated 7.3.2017 under Section 406, 420, 120-B IPC and Section 24 of Immigration Act, registered at Police Station Phase-I, SAS Nagar, Mohali, (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.7.2017 (Annexure P-2).

This Court vide order dated July 19, 2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Mohali and got their statements recorded.

On the basis of the statements so recorded, learned Magistrate has submitted

report dated 05.9.2017 to the effect that the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.

Though no one has put in appearance on behalf of respondent No. 2-complainant, namely, Manpreet Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 17.08.2017. The same is reproduced as under:-

“Stated that an FIR No. 42 dated 07.9.2017 U/s 406, 420, 120-B IPC and 24 of Immigration Act, Police Station: Phase-1, Mohali against accused namely Ramandeep Kaur, Lakhwinder Pal Sharma @ Lakhi and Gagandeep Kaur Sharma @ Gagan Sharma. All the misunderstandings and grudges now ceases to exist between both the parties. Resultantly both the parties entered into mutual compromise dated 13.7.2017 and the original copy of the compromise has been produced before the Hon'ble Punjab and Haryana High Court, Chandigarh, in order to bring to an end the aforesaid criminal case to settle down peacefully and amicably in future jointly. This compromise has been effected mutually between us, with the freewill, without any force, fraud and pressure, in order to transmit a good signal in the society. My copy of ID Card is Ex. C1. I am not interested to proceed in the aforesaid case anymore against the above said accused persons. I have no objection in case the aforesaid FIR is quashed against the above said accused persons on the basis of the compromise.”

Learned State counsel does not dispute the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and the F.I.R. No. 42 dated 7.3.2017 under Section 406, 420, 120-B IPC and Section 24 of Immigration Act, registered at Police Station Phase-I, SAS Nagar, Mohali, (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 13.7.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

September 18, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No