

234.

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

CRM-M-2966-2016

Date of decision:02.08.2017

SUKHWINDER KAUR & ANR

... Petitioners

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Harpreet Kaur, Advocate,
for Mr. Ranjan Lakhanpal, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.35 dated 28.04.2015 under Sections 406/420/467/468/471/120 IPC, registered at Police Station Haibowal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/Affidavit of complainant through his wife holding General Power of Attorney (Annexures P-3 & P-4 respectively).

This Court vide order dated 29.01.2016 had directed the parties to appear before the trial Court/Illaq Magistrate/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

But in terms of said order dated 29.01.2016, parties could not record

their statements and accordingly, vide order dated 21.03.2016, the parties were again directed to record their statements.

Pursuant to the aforesaid orders, parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.08.2016 to the effect that the compromise effected between the parties appears to be genuine, voluntary, without any coercion or undue influence and without any pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Hemant Sood, but no prejudice would be caused to him as the complainant's wife, namely, Sonal Sood, who is holding General Power of Attorney, has already made a statement with regard to compromise before learned Magistrate on 10.08.2016. The same is reproduced as under:-

“Stated that I have compromised the matter with all the accused persons without any fear and pressure and with the intervention of respectables. The photocopy of the said compromise is Ex.C1 and original of the same is filed before the Hon'ble High Court in the quashing petition. I identify my signature on the photocopy of compromise Ex.C1. I have no objection if Hon'ble Punjab and Haryana High Court cancel or quash the present case vide FIR no.35 dated 28.4.2015 u/s 406, 420, 467, 471, 120-B IPC Police station Haibowal Ludhiana by the complainant Hemant Sood. I am giving my statement as per the said compromise in compliance under the order of Hon'ble High Court. Complainant have received the full and final payment as per the compromise dated 14.09.2015 which is Ex.C1. I identify my signatures on affidavit executed by me which is Ex.C2, photocopy of my Adhar Card is Ex.C3, photocopy of

my passport is Ex.C4, General Power of attorney issued by the complainant Hemant Sood in my favour is Ex.C5, copy of draft of Rs.85,000/- is Ex.C6, copy of draft for Rs.65,000/- is Ex.C7 and copy of draft of Rs.1,00,000/- is Ex.C8. I have no objection if the FIR no.35 dated 28.4.2015 u/s 406, 420, 467, 471, 120-B IPC Police station Haibowal Ludhiana be quashed against Sukhwinder Kaur wife of Jaswinder Singh and Inderbir Singh @ Inderdeep Singh son of Jaswinder Singh both residents of H.No.12 Model Gram, Near Kochar Market Ludhiana.”

Learned State counsel has not disputed 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 F.I.R. No.35 dated 28.04.2015 under Sections 406/420/467/468/471/120 IPC, registered at Police Station Haibowal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/Affidavit of complainant through his wife holding General Power of Attorney (Annexures P-3 & P-4 respectively).

(HARI PAL VERMA)
JUDGE

02.08.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No