

CRM-M-46182-2016

[1]

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

(Sr. No.282)

CRM-M-46182-2016

Date of Decision:-March 30, 2017

Reetinder Kaur and another

.....Petitioners

V/S

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Kamaldip Singh Sidhu, Advocate,
for the petitioners.
Ms. Rajni Gupta, Addl.A.G. Punjab.

Mr. Mannu Singh, Advocate,
for Mr. Kulwinder Singh, Advocate,
for complainant.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the rival parties.

The petitioners have filed the present petition under Section 482 of Cr.P.C. for quashing of FIR No.90 dated 24.06.2012 registered under Sections 406, 420 and 120-B of Indian Penal Code, 1860, at Police Station Matour, District Mohali and all subsequent proceedings arising out of the same including the impugned order dated 04.04.2013 (Annexure P-2) whereby, the petitioner no.1 was declared proclaimed absconder, on the basis of compromise dated 15.03.2016 (Annexure P-3).

Learned counsel for the petitioners submits that the parties to the FIR in question have arrived at a compromise. This Court had made an order dated December 22, 2016 directed the trial Court/Illaq Magistrate to record the statements of the parties and verify that whether the same is genuine or not. Now, there is a report received from the District & Sessions

Judge, SAS Nagar Mohali, showing that the statements have been recorded and the compromise that has been arrived at between the parties is genuine and without any pressure, coercion or undue influence.

Since, the parties have arrived at compromise and the complainant has been compensated and in order to the parties are living in peace and harmony, I think, parties be allowed to compound/compromise the matter in question. However, criminal law was set in motion and the FIR was registered and in that view of the matter, compensatory costs must be paid to the Government of Punjab by the petitioner.

Hence, the FIR No.90 dated 24.06.2012 registered under Sections 406, 420 and 120-B of Indian Penal Code, 1860, at Police Station Matour, District Mohali and all subsequent proceedings arising out of the same including the impugned order dated 04.04.2013 (Annexure P-2) whereby, the petitioner no.1 was declared proclaimed absconder, on the basis of compromise dated 15.03.2016 (Annexure P-3) is quashed by way of compounding/compromise, subject to petitioners depositing compensatory costs in the sum of ₹50,000/ within a period of ten weeks from today with the office of Superintendent of Police, SAS Nagar, Mohali, and the same shall be forfeited to the Government of Punjab. In default of the payment of compensatory costs within stipulated period as aforesaid, this order shall automatically come to an end without reference to this Court.

Disposed of.

(A.B. Chaudhari)
Judge

March 30, 2017

Pankaj

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No