

**239(3) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No. M-7463 of 2017.

Date of Decision: 03.07.2017.

Sarvpreet Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. L.M. Gulati, Advocate,
for the petitioner.

Mr. A.S. Gill, Sr. DAG Punjab.

Mr. Jagmohan Singh, complainant in person with
Mr. Mohinder Kumar, Advocate.

JITENDRA CHAUHAN.J.

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No. 228 dated 07.11.2007, registered under Sections 420 and 120-B IPC, at Police Station "A" Division, Amritsar and judgment and order dated 16.12.2013 passed by Chief Judicial Magistrate, Amritsar, vide which the petitioner has been convicted under Section 420 IPC and sentenced to undergo RI for three years and to pay fine of Rs. 2000/- with default stipulation and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3) arrived at between the parties.

Vide order dated 06.03.2017, the parties were directed to appear before the learned Appellate Court, for getting their statements recorded. In compliance thereof, report of ASJ, Amritsar, dated 28.03.2017, has been received, wherein, it has been noticed that the parties have entered into compromise and the same is without any threat, coercion or undue influence.

In **Narinder Singh and Others Vs. State of Punjab and Another (2014) 6 SCC 466**, it has been held as under:-

“29. At this juncture, we would like also to add that the timing of settlement would also play a crucial role. If the settlement is arrived at immediately after the alleged commission of offence when the matter is still under investigation, the High Court may be somewhat liberal in accepting the settlement and quashing the proceedings/investigation. Of course, it would be after looking into the attendant circumstances as narrated in the previous para. Likewise, when challan is submitted but the charge has not been framed, the High Court may exercise its discretionary jurisdiction. However, at this stage, as mentioned above, since the report of the I.O. under Section 173, Cr.P.C. is also placed before the Court it would become the bounding duty of the Court to go

into the said report and the evidence collected, particularly the medical evidence relating to injury etc. sustained by the victim. This aspect, however, would be examined along with another important consideration, namely, in view of settlement between the parties, whether it would be unfair or contrary to interest of justice to continue with the criminal proceedings and whether possibility of conviction is remote and bleak. If the Court finds the answer to this question in affirmative, then also such a case would be a fit case for the High Court to give its stamp of approval to the compromise arrived at between the parties, inasmuch as in such cases no useful purpose would be served in carrying out the criminal proceedings which in all likelihood would end in acquittal, in any case.”

Hence, in view of the guidelines laid down by Hon'ble the Supreme Court, this Court is not inclined to quash the proceedings on the basis of compromise. However, considering the fact that the petitioner has already suffered agony of criminal trial as the FIR was registered on 07.11.2007. It is one of the mitigating circumstance to take a lenient view in the matter. In view of the above, the sentence awarded to the petitioner is ordered to be reduced to the

period already undergone. Ordered accordingly.

03.07.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No