

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

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CRM-M No.17871 of 2017

Date of Decision: January 25th, 2018

Surinder Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Navneet Kaur, Advocate
for Mr. Ranjeet Singh Sidhu, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in this petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.136 dated 20.07.2016 (Annexure P-1), registered under Sections 420, 406, 506, 120-B IPC, at Police Station Fatehgarh Sahib, District Fatehgarh Sahib, and all other consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 21.04.2017 (Annexure P-2).

On 09.08.2017, when this case came up for hearing, following order was passed:-

Learned counsel for the petitioners states that in compliance of order dated 04.07.2017, the petitioners have deposited a sum of ₹25,000/- with the office of SSP, Fatehgarh Sahib, to be payable to the State of Punjab and in this respect, a photocopy of receipt challan dated 25.07.2017 has been produced in court.

Adjourned to 11.10.2017.

Accordingly, parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 08.09.2017.

The Illaqa Magistrate/Trial Court is directed to

submit a report on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender; and*
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

In compliance with the above order, an amount of ₹25,000/- has been deposited on 25.07.2017 by the petitioners.

Parties appeared before the Judicial Magistrate Ist Class, Fatehgarh Sahib, where their statements were recorded and in pursuance to the statements given by the parties, it has been opined by the Judicial Magistrate Ist Class, Fatehgarh Sahib, that the compromise between the parties is voluntary and is not a result of any pressure or coercion in any manner. None of the petitioners is a proclaimed offender and all three accused are petitioners in the present petition.

Counsel for the complainant states that the complainant has no objection in case the prayer made in the present petition is allowed in the light of the compromise entered into between the parties.

Keeping in view the fact that the dispute between the parties was primarily relatable to some financial discrepancies which have been now settled, it can safely be said that the interest of justice would require that the said dispute should come to an end, especially in the light of the compromise entered into between the parties on settlement of their dispute amicably.

Keeping in view the facts and circumstances of the present case as also 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*** as also the judgment of Supreme Court in

(Criminal) 482, the present petition is allowed and FIR No.136 dated 20.07.2016 (Annexure P-1), registered under Sections 420, 406, 506, 120-B IPC, at Police Station Fatehgarh Sahib, District Fatehgarh Sahib, and all consequential proceedings arising therefrom, are hereby quashed.

January 25th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No