

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

CRM-M-23997-2018 (O&M)

Date of Decision:- 19.11.2018

Harbhajan Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohd. Salim, Advocate, for the petitioners.

Ms. Ruchika Sabbherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

The present petition has been filed for quashing of FIR No. 9 dated 20.3.2015, under Sections 420, 406, 120-B IPC, Police Station NRI PS, Moga, District Moga and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 30.5.2018 the parties had been directed to appear before the trial Court/Illaqa Magistrate so as to get the statements recorded.

Report dated 25.7.2017 of learned Judicial Magistrate 1st Class, Moga had been received to the effect that statements of the parties had been recorded. However, it was noticed that while statement of the complainant and also of two of the petitioners had been recorded but statement of

petitioner No.3 Sital Singh had not been recorded. Accordingly, vide order dated 12.10.2018, it was directed that the statement of Sital Singh (petitioner No.3) be recorded either in person or through his nominated attorney.

Pursuant to aforesaid directions, a fresh report dated 5.11.2018 of learned Judicial Magistrate 1st Class, Moga has been received wherein it has been reported that statement of Baldev Singh, Special Power of Attorney of Sital Singh (petitioner No.3) has been recorded to the effect that the matter stands compromised. The complainant has specifically stated that he has no objection if the FIR in the present case is quashed. The learned Judicial Magistrate 1st Class, Moga opined that the parties have entered into the compromise voluntarily, without there being any threat, coercion or undue influence.

In view of the aforesaid report and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and FIR No. 9 dated 20.3.2015, under Sections 420, 406, 120-B IPC, Police Station NRI PS, Moga, District Moga and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner.

November 19, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No