

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

267

CRM-M No.3418 of 2018

Date of Decision: May 4th, 2018

Shinder Pal Kaur and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Monty Goyal, Advocate
for the petitioners.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

Ms. Simranjeet Kaur, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This case came up for hearing on 25.01.2018, when following
order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.132, dated 24.05.2017, registered under Section 420 of the IPC, at Police Station Daba, District Ludhiana, (Annexure P-1) and all subsequent proceedings arising therefrom qua the petitioners on the basis of a compromise dated 12.10.2017 (Annexure P-2) arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1. Ms. Simranjeet Kaur, Advocate, accepts notice on behalf of respondent No.2 and admits the compromise (Annexure P-2). Counsel for the petitioners undertakes that he will supply complete set of the petition to the counsel opposite.

The parties are directed to appear before the Ilaqa Magistrate/Trial Court at Ludhiana on 15.02.2018 for recording of their statements with regard to the above

referred compromise on the said date or on any other date convenient to the Court.

The Ilqa Magistrate/Trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

To come up on 02.04.2018.

Copy of this order be sent to Ilqa Magistrate/Trial Court concerned for information and compliance.”

In pursuance to the order passed by this Court, parties appeared before the Judicial Magistrate Ist Class, Ludhiana, on 17.02.2018 and got recorded their respective statements.

In pursuance to the statements given by the parties, learned Judicial Magistrate Ist Class, Ludhiana, has concluded that the compromise entered into between the parties is genuine and without any pressure or coercion.

Counsel for the petitioners as also the counsel for the respondent No.2-complainant state that the present petition may be allowed as the complainant does not want to pursue the case any further which was

recorded at his behest as a compromise has been entered into between the parties. Counsel for the complainant acknowledges and stands by the compromise dated 12.10.2017 (Annexure P-2).

Keeping in view the report submitted by Judicial Magistrate Ist Class, Ludhiana and in view of the fact that the complainant has no objection to the quashing of the FIR as also keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.132 dated 24.05.2017 registered under Section 420 of the IPC at Police Station Daba, District Ludhiana, and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

May 4th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No