

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM-M-37446-2017

Sukhranjan Kaur and anotherPetitioner(s)

Versus

State of Punjab and anotherRespondent(s)

(2) CRM-M-44182-2017

Gaganjot SinghPetitioner(s)

Versus

State of Punjab and anotherRespondent(s)

Date of decision: - 07.03.2018

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Ranju Saini, Advocate
for Ms. Amandeep Kaur Dhiman, Advocate
for the petitioners (in both the petitions).

Mr. Tanvir Joshi, AAG, Punjab.

Ms. M.S. Jandiala, Advocate
for respondent No.2 in both the cases.

MAHABIR SINGH SINDHU, J. (ORAL)

As identical facts are involved, therefore, it is just and appropriate to decide the above mentioned petitions, arising out of the same incident/FIR, by means of this common order, in order to avoid the repetition.

2. Present petitions are filed praying for quashing FIR No.186 dated 08.10.2015, under Sections 406, 420 and 120-B IPC and Section 24

of the Immigration Act, 1983, registered at Police Station Phase-I, SAS Nagar Mohali, on the basis of compromise entered into between the parties.

3. Heard.

4. Both the parties were directed by this Court vide order dated 16.02.2018 to appear before the learned Illaqa Magistrate/trial Court and get their statements recorded and in pursuance thereof, learned Chief Judicial Magistrate, SAS Nagar Mohali, recorded the statements of both the parties and submitted a report dated 05.03.2018. A perusal of the report reveals that the compromise entered into between the parties is genuine, voluntary and without any coercion or undue influence. Even as on today the parties are not disputing the factum of compromise arrived at between them.

5. Learned State counsel, on instructions from HC Raj Kumar, submits that although the final report under Section 173 Cr.P.C. is ready, but the same has not been submitted so far. On a specific query put to him, he states that he has no objection with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties.

6. Inasmuch as the dispute between the parties is personal in nature and the same does not pertain to any public funds and has been amicably settled and they have already entered into compromise, and the fact that no objection has been raised by the State, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid FIR and all consequent proceedings resulting therefrom, qua petitioners only, are quashed.

7. Petitions are allowed.

(MAHABIR SINGH SINDHU)
JUDGE

March 07, 2018

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Whether reportable?

Yes

Whether reasoned/speaking?

Yes