

CRM-M-8992-2016

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

CRM-M-8992-2016

Date of Decision: 12th March, 2018

Jaswinder Kaur & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Vikas Gupta, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.91 dated 01.11.2013, under Sections 420, 467, 468, 471, 419 and 120-B of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Dera Baba Nanak, District Batala, (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise dated 18.02.2016 (Annexure P-5) entered into between the petitioners and legal representatives of respondent No.2-complainant.

The case came up for hearing before this Court on 03.08.2017, when following order was passed:-

“Mr. Vikas Gupta, Advocate filed his memo of appearance on behalf of respondent No.2.

Adjourned to 08.09.2017.

Meanwhile, parties shall appear before the trial Court/ Illaqa Magistrate which shall record the statements of the parties and its satisfaction that parties have compromised the matter amicably with their free will and without any pressure from any corner. Trial Court/ Illaqa Magistrate shall send its report to this Court by the next date of hearing.”

In compliance of the above order, initially none had appeared before the Judicial Magistrate First Class, Batala, which led to the submission of the report bearing No.475 dated 05.09.2017 that the legal representatives of the deceased-complainant had not turned up, as such their statements could not be recorded. However, the parties appeared before the Court and got recorded their statements, on the basis of which, report bearing No.476 dated 05.09.2017 has been submitted after recording the statements of the parties, where it is concluded that the compromise dated 18.02.2016 (Annexure P-5) seems to be genuine one and not a result of any pressure or coercion. None of the parties is declared a proclaimed offender.

Counsel for the petitioners and the legal representatives of respondent No.2-Dharam Kaur state that the compromise having been entered into between the parties and the matter having been amicably settled, no useful purpose would be served by proceeding with the matter

and therefore, they pray that the present petition may be allowed. Counsel for the legal representatives of respondent No.2-complainant states that they have no objection if the present petition is allowed and the FIR in question is quashed.

Keeping in view the factum of compromise having been entered into between the parties, which has been found to be genuine as per the report of the Judicial Magistrate First Class, Batala and in the light of the ratio of latest judgment of the Hon'ble Supreme Court in *Criminal Appeal No.1723 of 2017*, titled as '*Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another*', decided on 04.10.2017 and in the judgment of *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.91 dated 01.11.2013, under Sections 420, 467, 468, 471, 419 and 120-B of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Dera Baba Nanak, District Batala, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

12th March, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No