

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

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CRM-M No.5595 of 2018

Date of Decision: May 8th, 2018

Rekha Rani

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Parminder Singh, Advocate
for the petitioner.

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

Mr. Sanjeev K. Virk, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Present case came up for hearing before this Court on
21.02.2018, 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.9, dated 22.01.2009, registered under Sections 406, 420 of the IPC, at Police Station Mandi Gobindgarh, District Fatehgarh Sahib (Annexure P-1) on the basis of a compromise dated 09.12.2017 (Annexure P-2) arrived at between the parties. Further, counsel for the petitioner has produced order dated 19.02.2018 passed by learned Chief Judicial Magistrate, Fatehgarh Sahib, which indicates that the petitioner has been admitted to regular bail. The same is taken on record.

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. Mr. Sanjeev K. Virk, Advocate, who is present in Court, accepts notice on behalf of respondent No.2 and admits the compromise (Annexure P-2). Counsel for the petitioners undertakes to hand over a copy of the petition to the counsel opposite during the course of the day.

The parties are directed to appear before the Ilaqa Magistrate/Chief Judicial Magistrate/Trial Court at Fatehgarh Sahib on 06.03.2018 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 Ilaqa Magistrate/Chief Judicial 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 08.05.2018.

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

In compliance with the order passed by this Court, parties appeared before the Sub Divisional Judicial Magistrate, Amloh, on 15.03.2018 and got recorded their respective statements.

In pursuance to the said statements, report dated 20.03.2018 has been submitted by Sub Divisional Judicial Magistrate, Amloh, wherein it has been concluded that the compromise which has been entered into between the parties is genuine and valid being *bona fide* and not a result of any pressure or coercion.

Counsel for the petitioner prays that the present petition may be allowed in the light of the compromise which has been entered into between the parties as also the report of the Sub Divisional Judicial Magistrate, Amloh.

Counsel for the complainant states that the complainant has no objection to the prayer made by the counsel for the petitioner being allowed as he does not want to pursue the present FIR in the light of the compromise dated 09.12.2017 (Annexure P-2).

Keeping in view the report submitted by Sub Divisional Judicial Magistrate, Amloh, 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.9, dated 22.01.2009 registered under Sections 406, 420 of the IPC at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner only.

May 8th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No