

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

CRM-M-9528-2018 (O&M)

Date of Decision:-6.9.2018

Baljinder Kaur and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Raj Chaudhary, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

Mr. Sanjeev Bishnoi, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioners seek quashing of FIR No.144 dated 23.5.2017 registered under Sections 420 and 120-B of Indian Penal Code, 1860 at Police Station City Barnala, District Barnala and all consequential proceedings emanating therefrom on the basis of a compromise/settlement having been effected between the parties.

The allegations, in nutshell, are that the complainant had entered into an agreement with accused No.1-Paramjit Kaur and accused No.2-Baljinder Kaur wife of Jagdev Singh, on asking of accused Nos.3 to 10 and an amount of ₹ 27 lacs was paid to them. However, subsequently, it transpired that the land in question already stood sold and was in the ownership of some other person. During the course of pendency of an anticipatory bail application filed on behalf of accused No.2-Baljinder Kaur, the matter was referred to Mediation and Conciliation Center of Punjab and

Haryana High Court, Chandigarh, wherein the matter was settled amongst the present petitioners namely Baljinder Kaur and Jagdev Singh as well as the complainant for an amount of ₹ 14 lacs towards their 1/3rd share in the property in dispute. In the said settlement/agreement dated 29.1.2018, effected before Mediation and Conciliation Center of Punjab and Haryana, Chandigarh, it was specifically stated therein that the complainant will take recourse to law in respect of the remaining 2/3rd share of Paramjit Kaur. It was also specifically stated therein that the complainant would make a statement in favour of petitioner No.1-Baljinder Kaur in this Court for the purpose of getting the FIR quashed. It was pursuant to the said settlement/agreement dated 29.1.2018 that the present petition has been filed by Baljinder Kaur and her husband Jagdev Singh seeking quashing of the FIR on the basis of the aforesaid compromise.

Vide order dated 3.5.2018, the parties had been directed to appear before the Illaqa Magistrate, Barnala so as to get their statements recorded qua the factum of compromise.

Report of learned Chief Judicial Magistrate, Barnala has been received, wherein it has been reported that the statements of petitioners/accused as well as of complainant Buta Singh have been recorded to the effect that they have compromised the matter amongst themselves and that they have no objection in case the FIR in question is quashed. It has specifically been opined that the parties have entered into compromise voluntarily and without there being any pressure, coercion, inducement or undue influence.

In view of the aforesaid compromise and bearing in mind the said settlement/agreement effected between the parties and 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 present petition is allowed and FIR No.144 dated 23.5.2017 registered under Sections 420 and 120-B of Indian Penal Code, 1860 at Police Station City Barnala, District Barnala and all the consequent proceedings arising therefrom are hereby quashed qua the present petitioners namely Baljinder Kaur and Jagdev Singh only. Needless to mention that the proceedings qua Paramjit Kaur shall continue.

6.9.2018

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**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No