

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-425 of 2019

Date of Decision: March 25, 2019.

Kirandeep Kaur and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU.

Present: Mr.L.S.Sidhu, Advocate, for the petitioners.

Mr.Sandeep Kumar, DAG, Punjab, for respondent No.1.

Mr.D.S.Sidhu, Advocate, for respondent No.2.

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Mahabir Singh Sindhu, J. (Oral)

The present petition under Section 482 Cr.P.C., has been filed praying for quashing of FIR No.67 dated 26.03.2018 registered under Sections 420/120-B IPC at Police Station Zira, District Ferozepur, alongwith all consequential proceedings arising therefrom on the basis of compromise arrived at between the petitioners and respondent No.2.

Brief facts of the case of prosecution are that on the statement of respondent No.2, FIR No.67 dated 26.03.2018 was registered against the petitioners under Sections 420/120-B IPC. The allegations are that the petitioners have resiled from the agreement to sell arrived at between the parties and that they have cheated the complainant.

This Court on 09.01.2019 while issuing notice of motion has passed the following order:-

“Contends that the matter has been compromised between the parties.

Notice of motion.

Mr.D.S.Sandhu, Advocate appears on behalf of respondent No.2 and files vakalatnama, same is taken on record.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, accepts notice on behalf of respondent No.1. Copy of the petition supplied to him.

Learned counsel for the petitioners as well as respondent No.2 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on **24.01.2019** to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/ trial Court is requested to record the statements of all accused, complainant/effectuated persons, if any and submit a report along with the recorded statements to this Court before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide 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 effected persons 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.*

List before this Court on **12.02.2019** for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any

objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.”

In pursuance of the above order, a report dated 24.01.2019 has been received from the Judicial Magistrate, 1st Class, Duty, Zira. The operative part of the same reads as under:-

“I am satisfied that compromise arrived at between parties is voluntary with free consent and are not result of any pressure or coercion etc. in any manner and without any coercion undue influence and fear.”

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case and there is no other case pending against the petitioners except the present one.

The compromise has been acknowledged by both the sides and also by the learned State counsel, on instructions from HC Balraj Singh, P.S. City Zira, District Ferozepur, has stated that the State of Punjab has no objection in case FIR No.67 dated 26.03.2018 registered under Sections 420/120-B IPC at Police Station Zira, District Ferozepur, is quashed and set-aside.

In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds and thus quashing of FIR in question alongwith all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and FIR No.67 dated

26.03.2018 registered under Sections 420/120-B IPC at Police Station Zira, District Ferozepur alongwith all consequential proceedings resulting therefrom are quashed qua the petitioners.

March 25, 2019
mohinder

(MAHABIR SINGH SINDHU)
JUDGE

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