

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

**CRM-M No.37011 of 2017 (O&M)
Date of Decision: 23.01.2019**

Rajwant Kaur @ Jaswant Kaur @ Rajpreet Kaur and anr

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Nisha, Advocate for
Mr. Digvijay Nagpal, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Kulwinder Singh, Advocate for
Mr. S.S. Sarwar, Advocate
for respondents No. 2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.0210 dated 06.09.2016 (**Annexure P-1**), under Sections 420 and 494 of the Indian Penal Code, registered at Police Station Rajpura, District Patiala along with all consequential proceedings arising therefrom on the basis of affidavit dated 22.09.2017 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondents No. 2 and 3.

This Court, on 05.09.2018, passed the following order:-

“ The present petition has been filed for quashing of FIR No.210 dated 06.09.2016 registered under Sections 420/494 IPC at Police Station Rajpura, District Patiala and all subsequent proceedings on the basis of compromise.

Let the parties appear before the trial Court/Illaq Magistrate on 24.09.2018 or any other date convenient to the

Court for recording their statements with regard to compromise. The trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not, before the next date of hearing.

Adjourned to 15.11.2018. ”

In terms of above order, the statements of the parties were recorded but Sewa Singh did not turned up. Subsequent, in terms of the order dated 15.12.2018 passed by this Court, the statement of Sewa Singh was recorded on 19.12.2018 and report to that effect has been received. The operative part of the same reads as under:

In view of the statements suffered by the parties, it appears that the compromise effected between the parties is valid and genuine. It has already been submitted in the previous compliance report that as per the statement of ASI Malwinder Singh, No. 2886, Patiala posted at P.P.K.S.M, Rajpura who is investigating officer, no other criminal proceedings are pending against either of the parties in CRM-M-37011 of 2017 titled as Rajwant Kaur & Anr Vs. State of Punjab and Ors, except the FIR No.210 dated 6.9.2016, U/s 420/494 IPC., P.S. City Rajpura registered on the statement of Sewa Singh Son of Bagh Singh and Surat Kaur Wife of Sewa Singh, Residents of H.No. 161, Guru Arjan Dev Colony, Rajpura.'

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 public exchequer involved.

Learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public funds and thus quashing of FIR in question along with 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 the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

January 23, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>