

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

**AT CHANDIGARH**

**Criminal Misc. No.M-27117 of 2020**

**Date of Decision: 04.11.2020**

Poonam Bawa & others

...Petitioner (s)

Versus

State of Punjab & another

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. R.K. Kashyap, Advocate for  
Mr. K.S. Chahal, Advocate  
for the petitioners.

Mr. N.K. Banka, DAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate  
for the complainant.

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**HARI PAL VERMA, J. (Oral)**

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.123 dated 21.12.2019 under Sections 406 and 420 IPC registered at Police Station Sadar Moga, District Moga (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

This Court vide order 10.09.2020, while recording that challan has been presented in the case before the trial Court, had directed the parties to appear before the Illaqa Magistrate/Trial Court on 29.09.2020 to

get their statements recorded with regard to compromise, so arrived at and the learned trial Court was directed to submit its report as regard the genuineness of the compromise, so effected between the parties on the basis of statements so recorded.

Learned counsel for the petitioners submits that pursuant to the aforesaid order, the parties have appeared before Additional Chief Judicial Magistrate, Moga and got their statements recorded and report dated 16.10.2020 has been received to the effect that the compromise and settlement arrived at between the parties is genuine and voluntary.

Learned counsel for the complainant-respondent no.2 submits that in terms of the compromise, respondent no.2 has received a total sum of Rs.27 lakhs in two instalments i.e. Rs.13,50,000/- at the time of recording the statements before the Magistrate and the remaining amount of Rs.13,50,000/- has also been received today itself by way of demand draft No.383392 dated 03.11.2020 in the name of father of respondent no.2. Learned counsel for respondent no.2 submits that the complainant has no objection to the FIR registered against the accused persons being quashed in the instant petition.

Learned State counsel also does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. The report about genuineness of the compromise has been received from learned Magistrate. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.123 dated 21.12.2019 under Sections 406 and 420 IPC registered at Police Station Sadar Moga, District Moga (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise (Annexure P-2).

November 04, 2020

AK

( HARI PAL VERMA )

JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No