

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

CRM-M-26607 of 2020.

Decided on:- February 11, 2020.

Divya Sharma.

.....Petitioner.

Versus

The State of Punjab and another

.....Respondents.

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

Present:- Mr. Kartik Gupta, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, D.A.G., Punjab.

Mr. Kulwant Singh, Advocate
for respondent No.2.

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.136 dated 09.08.2019 under Section 12 of the Passports Act, 1967 and Section 177 IPC registered at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 02.12.2019 (Annexure P-3).

This Court vide order dated November 26, 2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective

statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Chief Judicial Magistrate, Hoshiarpur and got their statements recorded on 06.01.2021. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 01.02.2021 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Dr. Heera Lal Sharma. He has already made a statement before learned Magistrate in support of compromise on 06.01.2021, which reads as under:

“Stated that present FIR was registered against the accused Divya Sharma w/o Nitish Kahol on my statement. Now I have effected a compromise with my own free will and without any pressure. Now I am having no objection if accused is discharged/acquitted. I have no objection if the quashing petition filed by the accused before Hon’ble Punjab & Haryana High Court, Chandigarh is accepted.”

Learned State counsel and learned counsel for respondent No.2-complainant have not disputed the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of***

Punjab and another 2007 (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, the present petition is allowed and the of FIR No.136 dated 09.08.2019 under Section 12 of the Passports Act, 1967 and Section 177 IPC registered at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of affidavit dated 02.12.2019 (Annexure P-3).

February 11, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No