

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(240)

CRM-M-16176-2019
Date of Decision:- 09.03.2022

Parminder Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ramesh Chand Sharma, Advocate for the petitioner.

Mr. M.S.Nagra, AAG, Punjab for the respondent No.1-State.

Mr. B.S.Jaswal, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.247 dated 12.11.2017, registered for offences under Sections 366 and 380 of the Indian Penal Code, 1860, at Police Station Sadar, District Amritsar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 16.03.2019, Annexure P-2, arrived at between the parties.

Brief facts may be noticed.

FIR, Annexure P-1, has been registered on the basis of a complaint of respondent No.2 on the allegation that his daughter committed a theft at her paternal home, stole cash of ₹1,10,000/- and some gold ornaments. It has been alleged that she has been allured by respondent No.3, Amit Kumar Sharma, on the pretext of marriage and all attempts to locate her have failed.

Counsel for the petitioner submits that the FIR has been lodged by the father of the petitioner under some misunderstanding, which has been resolved by virtue of compromise, Annexure P-2, and the petitioner has married respondent No.3, which is also on the rocks. He submits that pursuant to order dated 23.01.2020 passed by this Court, statement of the parties have been recorded before the Trial Court in support of the compromise.

Upon instructions received from ASI, Rashpal Singh, State counsel submits that the matter is under investigation, though he has opposed the petition on the ground that the offence alleged is non-compoundable.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise as well as the statement made by the counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 23.01.2020, this Court directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and a report was called for regarding the genuineness of the compromise as also whether P.O. proceedings are pending against any of the parties. Report has been received and its relevant extract is reproduced hereunder:-

“Pursuant to the order dated 23.01.2020 passed by the Hon'ble High Court in CRM-M-16176-2019, report is hereby submitted that the complainant, Rajinder Singh, son of Gurdial Singh, and accused, Parminder Kaur, appeared in the Court on 31.01.2020 for getting their statements recorded in case bearing FIR No.247 dated 12.11.2017, under Section 366/380 of IPC of 1860 registered at P.S. Sadar, Amritsar. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any pressure, undue influence or coercion. It is pertinent to

mention here that FIR has been registered against two accused, namely, Parminder Kaur and Amit Kumar Sharma, but compromise has only been effected between complainant, Rajinder Singh, and accused, Parminder Kaur. Following is the requisite information, as directed:-

- 1. That the compromise is genuine, voluntarily and out of free will of the parties.*
- 2. That no PO proceedings are pending against any of the party.”*

Supreme Court in ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, has held that the power of the High Court to quash proceedings under Section 482 Cr.P.C. is very wide and is not restricted by the embargo in Section 320 Cr.P.C.

Keeping in view the fact that the dispute is amongst immediate blood relations, which has been settled, the Court is of the view that the continuation of the criminal proceedings would not serve any purpose.

Accordingly, the petition is allowed. FIR No.247 dated 12.11.2017, registered for offences under Sections 366 and 380 of the Indian Penal Code, 1860, at Police Station Sadar, District Amritsar, Annexure P-1, along with all subsequent proceedings arising therefrom, is quashed qua the petitioner only.

(SUVIR SEHGAL)
JUDGE

09.03.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No