

245

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

CRM-M-7550-2019

Date of Decision: 15.05.2023

Gurmeet Kaur

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Kumar Walia, Advocate
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab
for respondent No.1/State

Mr. Dharam Pal, Advocate for
Mr. Inderjit Singh, Advocate
for respondent No.2.

HARSH BUNGER J. (ORAL)

1. Present petition under Section 482 of the Code of Criminal Procedure is filed seeking quashing of FIR No.309 dated 20.12.2018 (Annexure P-1), under Sections 120-B and 420 of the Indian Penal Code, registered at Police Station City Sangrur, District Sangrur, Punjab and all the consequential proceedings arising therefrom on the basis of Compromise Deed dated 05.02.2019 (Annexure P-2).

2. Vide order dated 20.02.2019, passed by this Court, the trial Court/Illaq Magistrate was directed to record the statements of the parties with regard to the compromise.

3. In compliance thereof, the Chief Judicial Magistrate, Sangrur, has submitted a consolidated report dated 19.03.2019, which indicates that

the parties appeared before the Magistrate and got recorded their respective

statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and with free will and consent. Relevant extract of the said report is reproduced as under:

“ - x - x -

It is submitted that as per the directions of Hon'ble High Court, accused has duly produced the receipts of Rs.2,000/- and Rs. 13,000/- issued by Accounts Clerk of Bar Association of Punjab and Haryana High Court, Chandigarh and Director PGIMER, Chandigarh respectively, which have been duly verified by her counsel and thereafter, the statements of the parties have been recorded.

Complainant Sukhwinder Singh has stated that he has got registered FIR no.309 dated 20.12.2018, under Sections 420 and 120-B IPC, Police Station City, Sangrur against accused Gurmeet Kaur. The matter has been voluntarily compromised with accused Gurmeet Kaur without any pressure, coercion or undue influence and out of free will in the above said F.I.R. She has identified her signatures on the copy of compromise Mark A. She has further stated that she has no objection in quashing the F.I.R in question against accused Gurmeet Kaur.

Similarly, accused Gurmeet Kaur has stated that she has compromised the matter voluntarily with complainant Sukhwinder Singh without any pressure, coercion, undue influence in the above said F.I.R. She has also identified her signatures on the copy of compromise Mark A. She has further stated that she has never been declared as proclaimed offender in the present case and prayed that the F.I.R in question may kindly be quashed against her.

The compromise as per statements of complainant Sukhwinder Singh and accused Gurmeet Kaur has been arrived at voluntarily and without any coercion, pressure or undue influence between them.

It is further submitted that only F.I.R has been received by the

Court of undersigned and no proclamation proceedings against accused Gurmeet Kaur in the present case is pending before this Court. Further, it is submitted that Sukhwinder Singh has got registered the F.I.R. in question against Gurmeet Kaur as well as one Gaurav Sohi. However, as per statements of complainant Sukhwinder Singh the compromise has only been effected with accused Gurmeet Kaur.

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4. A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence.

5. It is the submission of learned counsel for the petitioner that in present FIR No.309 dated 20.12.2018 (Annexure P-1), there are two accused, however respondent No.2 has entered into a compromise only with the petitioner in this case; accordingly, a prayer has been made that the abovesaid FIR may kindly be quashed only against the petitioner and the proceedings may go on against the other accused in the said FIR.

6. Learned counsel for respondent No.2 has again reiterated that the matter has been settled and compromised only between the petitioner in this case and respondent No.2/complainant so as to bring peace and amity between the parties. Accordingly, it is submitted that present FIR No.309 dated 20.12.2018 (Annexure P-1) may kindly be quashed only against the petitioner herein and the proceedings may be directed to go on against the other accused in the said FIR.

7. Learned State counsel has raised no serious objection in quashing of the FIR in question qua the petitioner herein only.

8. The issue regarding quashing of FIR against one or few of many accused and allowing the proceedings to continue against the other co-accused was subject matter before various Courts on different occasions

and considering totality of facts and circumstances, the Courts have permitted quashing of FIR qua some of accused and at the same time, the proceedings have been allowed to continue against other co-accused. In this regard, some of the decisions, which can be referred to, are in the cases of ***“Jayrajsinh Digvijay Singh Rana v. State of Gujarat”, 2012(12) SCC 401, “Lovely Salhotra and Anr. v. State, NCT of Delhi”, 2017 (3) R.C.R. (Criminal) 85, “Vijay Kumar Gupta v. State, Government of NCT of Delhi” in CrI.M.C. No.2289/2013, “Sarabjit Singh v. State of Punjab”, 2007(3) RCR (Criminal) 479 (P&H) and “Gurtej Singh vs. State of Haryana”, 2010(3) RCR (Criminal) 660 (P&H).***

9. Keeping in view the aforementioned judgments, it is noticed that in the aforesaid case FIR No.309 dated 20.12.2018 (Annexure P-1), there are two accused and the present petition has been filed by petitioner herein only, seeking quashing of FIR in question on the basis of compromise; thus, is a case of partial compromise which is permissible as per the judgments referred above.

10. This Court has heard learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and respondent No.2.

11. It is pertinent to mention here that even otherwise, offence punishable under Sections 420 of the Indian Penal Code is compoundable under the provisions of Section 320 of the Code of Criminal Procedure.

12. In the light of above referred judgments and the judgments rendered by the Hon'ble Apex Court in the cases of ***“Shakuntala Sawhney***

Vs. Kaushalya Sawhney”, 1979 (3) SCR 639 and “Gian Singh Vs. State of

Punjab and another”, 2012 (4) RCR (Criminal) 543 as well as upon consideration of the compromise arrived at between petitioner herein and respondent No.2, their statements recorded before the Chief Judicial Magistrate, Sangrur and also report dated 19.03.2019, since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, accordingly, the aforesaid FIR No.309 dated 20.12.2018 (Annexure P-1), under Sections 120-B and 420 of the Indian Penal Code, registered at Police Station City Sangrur, District Sangrur, Punjab is hereby quashed **qua the petitioner herein only**, however, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the **“Poor Patients' Welfare Fund, PGIMER, Chandigarh”** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

13. It is clarified that the proceedings against other accused shall continue.

14. Allowed in the aforesaid terms.

15. All pending application(s), if any, shall stand disposed of.

15.05.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No