

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

CRM-M-11550-2023

Date of Decision: 16.05.2023

MOHINDER KAUR

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Lovish Arora, Advocate for petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Saksham Khunger, Advocate
For respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioner prays for quashing FIR No.28, dated 06.03.2017, under Sections 420, 406 and 120-B of IPC registered at Police Station Machhiwara, District Khanna (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of the compromise/affidavit dated 22.11.2022 (Annexure P-2).

2. Although the FIR in question was registered against the petitioner and her son namely Kuljit Singh, however, the present petition has been filed on behalf of the petitioner only who has discharged the entire liability as per the compromise.

3. In pursuance to an order dated 09.03.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the

compromise arrived at between them, report dated 12.04.2023 has been received from the concerned Court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or undue influence. It has also been pointed out that the petitioner has never been declared as proclaimed offender in the case.

4. Learned counsel for the petitioner submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR, in part, qua the petitioner. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR in question, qua the petitioner, on the basis of compromise entered into between the parties.

5. On the other hand, placing strong reliance upon the allegations leveled in the FIR, the prayer made in the present petition has been opposed at the instance of learned State counsel who submits that the petitioner had allured the complainant on the pretext of sending abroad and misappropriate the amount of the complainant. He also raises an objection as regards the partial quashing of the FIR only qua the petitioner. Learned State counsel submits that allegations in the present FIR are of serious nature and he thus opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the paper-book as well as law cited at the bar. The parties having settled

their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR(Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***". Still further, as regards the objection raised at the instance of the learned State Counsel regarding the maintainability of the present petition seeking quashing of the FIR qua the petitioner only, in view of the law cited at the bar, at the instance of the petitioner I do not see any substance in the aforesaid submission.

7. As regards the partial quashing of FIR, the petitioner places reliance upon law laid down by the Hon'ble Supreme Court as well as this Court in judgments passed in **"Kartik and Ors. Vs. State of Punjab and Anr. In CRM-m-11672-2022, "Rajesh Rana and Ors. Vs. State of Punjab and Anr. In CRM-M-42829-2021", "Rajinder Singh Vs. State of Punjab and Anr. In CRM-M-37395-2016", "Jayrasinh Digvijaysinh Rana Vs. State of Gujarat and Anr. 2012(4) R.C.R.(Criminal) 589", "Amruth Kumar and Anr. VS. Smt. Chithra Shetty and Anr. 2010(4) R.C.R.(Criminal) 256", "Parambir Singh Gill Vs. Malkiat Kaur 2010(1) R.C.R. (Criminal) 256"**.

8. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed and the FIR No.28, dated 06.03.2017 (Annexure P-1), under Sections 420, 406 and 120-B of IPC registered at Police Station Machhiwara, District Khanna along with all

consequential proceedings arising therefrom, qua the petitioner herein are hereby quashed.

8. However, the aforesaid order is subject to deposit of a sum of Rs.10,000/- by the petitioner within a period of two weeks from today in the following account:-

Account name: Punjab and Haryana high court
Association Lawyer’s Welfare Fund
Account No: 41564846387
Bank Name: S.B.I. High Court Branch.

16.05.2023
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(**HARKESH MANUJA**)
JUDGE

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