

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

287

CRM-M-13252-2023

Date of Decision :-12.07.2023

Kulwinder Kaur and another**...Petitioners****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Zorawar Singh, Advocate for
Mr. Simar Pal Singh, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. A.G. Punjab.

Mr. Saurav Bhatia, Advocate for
Mr. Saurav Chobbey, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.0001 dated 19.01.2022 registered under Sections 420 and 120-B of the IPC at Police Station NRI, District Jalandhar Rural and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 12.01.2023 (Annexure P-3), which has been entered into between the parties.

On 16.03.2023, a Coordinate Bench of this Court had passed the following order:-

“Petitioners have approached this Court praying for
quashing of FIR No.0001 dated 19.01.2022, under Section

420/120-B of IPC, registered at Police Station NRI District Jalandhar Rural along with subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

It has been contended by counsel for the petitioners that the dispute among the parties is totally matrimonial dispute. He submits that the complainant-respondent No.2 is the husband of petitioner No.2 who lodged the present FIR. He has submitted that after registration of the same, now with the intervention of the respectables, both the sides have amicably resolved all the outstanding disputes and have decided not to pursue the proceedings in the FIR. He submits that petitioner No.2 i.e. wife of respondent No.2/complainant is residing in UK and she has filed the present petition through Rajanpreet Kaur, who is sister of petitioner No.2. It is submitted that in the facts and circumstances of the case when both the sides have amicably resolved the dispute, prosecution of the petitioners is nothing but an abuse of the process of the Court. He relies upon the Hon'ble Supreme Court judgment titled as Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State. Mr. Saurabh Chobbey, Advocate accepts notice on behalf of respondent No.2-complainant. He has affirmed the submissions made by counsel for the petitioners.

List on 12.07.2023.

Meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 20.03.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

Petitioner No.2 would appear for recording of her statement on the adjourned date through video conferencing and also through her special power of attorney. Learned Magistrate shall ensure the proper identification of petitioner No.2 subject to its satisfaction.

The State to file status report before the next date of hearing.”

A report dated 08.05.2023 appended as (Annexure-A) has come from Judicial Magistrate 1st Class, (NRI Court) Jalandhar, addressed to the Registrar General of this Court along with the statements of the accused-petitioners as well as the complainant, which have been recorded. As per the said report, the compromise between the parties is genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the report is as under:-

- (1) From the statement of parties, the compromise so effected is genuine and it not result of any fraud or misrepresentation and is the result of free will of the parties.
- (2) As per the report of ASI Neelam Rani-Investigating Officer, apart from the accused (petitioners) there is no other accused in the FIR and the parties are not involved in any other criminal case.
- (3) None out of the parties has been declared as proclaimed offender in any other criminal case.
- (4) The compromise deed Ex.PX has been signed by complainant Jarnail Singh Bajwa, accused/petitioner Kulwinder Kaur and Rajanpreet Kaur who is power of attorney holder of accused Akwinderjit Kaur.”

As per the report of the trial Court, the parties have already entered into compromise so as to live peacefully hence, no useful purpose will be served in keeping the FIR alive.

Learned State counsel has also not raised any objection in

respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore as the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.0001 dated 19.01.2022 registered under Sections 420 and 120-B of the IPC at Police Station NRI, District Jalandhar Rural and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.01.2023 entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.10,000/- as cost to be deposited with the Institute for the Blinds, Sector 26, near Homeopathic Medical College and Hospital, Chandigarh, by the petitioners.

July 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No