

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-25013-2022****Date of Decision: January 20, 2023****BALWINDER KAUR @ KOMAL****..... Petitioner****Versus****STATE OF PUNJAB AND ANR.****..... Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Manjot Gujral, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab

Mr. Kulwinder Bhargan, Advocate
for Mr. Karanbir Singh, Advocate
for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C. the petitioners pray for quashing FIR No.123, dated 30.07.2020 under Section 420 of IPC 1860, registered at Police Station Bullowal, District-Hoshiarpur, Punjab (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of the compromise dated 31.08.2021 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioner grabbed Rs.1,30,000/- from the complainant on the pretext of sending him abroad.

3. In pursuance to an order dated 01.06.2022 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, a report dated 03.08.2022 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. There are two accused persons namely, Balwinder Kaur @ Komal and Sanjay Sharma. Compromise is settled as regards accused-Balwinder Kaur. However, accused-Sanjay Sharma, though a proclaimed offender, it has been informed a settlement with him also stands entered between the parties.

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. 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”.

5 On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the report dated 03.08.2022. 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 this 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. 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. FIR No.123, dated 30.07.2020 under Sections 420 of IPC 1860, registered at Police Station Bullowal, District-Hoshiarpur, Punjab (Annexure P-1) along with all consequential proceedings arising therefrom, qua the petitioner are hereby quashed subject to deposit of sum of Rs.5,000/- 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.

20.01.2023
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(HARKESH MANUJA)
JUDGE

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