

254 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29586-2022
DATE OF DECISION:-13.02.2023

Pushipinder Kaur and another ...Petitioners.

vs.

State of Punjab and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Sharma, Advocate, and
Mr. S.S. Aviraj, Advocate,
for the petitioners.

Mr.Ravinder Singh, AAG, Punjab.

Mr. Karanveer Singh, Advocate for
Mr. Himanshu Rao, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.114 dated 24.06.2017, under Sections 420 and 406 IPC, registered at Police Station City Phagwara, District Kapurthala along with all consequential proceedings arising out of the same, on the basis of compromise (Annexure P-4).

2. Initially, the complaint was filed by complainant-Balbir Kaur (since died, through her daughter Jyoti) against three persons, namely, Pushpinder Kaur, Avtar Singh and Gurjit Singh Walia, on the allegations that they having entered into an agreement did not honour the same,

however, later on Gurjit Singh Walia was found innocent by the police.

3. In pursuance to an order dated 05.01.2023 passed by this Court, whereby the parties were directed to appear before the trial Court for getting their statements recorded, besides, petitioner No.2-Avtar Singh having been permitted to get his statement recorded through video conferencing, as regards the veracity of the compromise arrived at between them, a report dated 07.02.2023 has been received from the concerned court stating that the compromise between the parties is genuine and voluntarily without any threat or coercion. No accused has been declared as PO.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, 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 on the basis of compromise entered into between the parties.

5. 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 directions 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.

6. 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, FIR No.114 dated 24.06.2017, under Sections 420 and 406 IPC, registered at Police Station City Phagwara, District Kapurthala as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.20,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

13.02.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No