

CRM-M-29286-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 18.07.2023

Parwinder Kaur

....Petitioner

V/s

Sukhvir Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

None for respondent No.1.

Mr. Dhruv Dayal, Addl.A.G., Punjab for respondent No.2.

ARUN MONGA, J. (Oral)

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of complaint No.6 dated 3.2.2017 (Annexure P-10) as well as summoning order dated 25.11.2020 (Annexure P-11) vide which petitioner has been summoned to face trial for commission of the offences punishable under Sections 465, 467, 471, 420 IPC.

2. The controversy involved in the present case is summed up in order dated 28.07.2021 passed by a coordinate Bench of this Court, presided over by Gurvinder Singh Gill, J, who was seized of the matter, in the following terms:

"The petitioner has approached this Court seeking quashing of complaint No.6, dated 3.2.2017 (Annexure P-10) as well as summoning order dated 25.11.2020 vide which the petitioner has been summoned to face trial offences under Sections 465, 467, 471, 420 IPC.

Learned counsel for the petitioner contends that the matter in hand pertains to a dispute regarding car regarding which both the parties had earlier submitted complaints to the police where the matter was amicably settled and compromised as would be evident from the compromise dated 7.2.2017 (Annexure P-8) and in pursuant thereof the complaints were recommended to be filed as would be evident from the report of the SHO dated 9.02.2013 (Annexure P-9).

Learned counsel for the petitioner has submitted that despite the said compromise on 7.2.2017 the respondent-complainant kept on pursuing the complaint dated 3.2.2017 in a clandestine manner

and in which the petitioner has now been ordered to be summoned. Learned counsel has submitted that the aforesaid complaint and the summoning order is a misuse of process of law and that in fact the petitioner has concealed the material factum of previous compromise and has thus obtained the summoning order.

Notice of motion for 24.11.2021.

Meanwhile, further proceedings qua the petitioner shall remain stayed.”

3. On a Court query, as to whether the compromise dated 07.02.2017 was indeed implemented by the parties, learned counsel for the petitioner refers to *Panchayati rajinama* (Annexure P-8), wherein the complainant himself has given an undertaking that he is fully satisfied *qua* the terms of compromise agreement and therefore, nothing survives any further *qua* the dispute *inter se* between the petitioner and the complainant. Learned counsel further points out that the complaint (Annexure P-10) had been filed before learned Magistrate only on personal vendetta to settle scores, as earlier the complainant intended to enter into a matrimonial alliance with the petitioner to which she did not agree. Having made inquiries about him, it was revealed that the complainant was already married and he did not take divorce, as was projected to her.

4. Matter was filed on or before 05.07.2021, and was listed for hearing before this Court on 28.07.2021. Despite opportunities, no reply has been filed by respondent No.1-complainant which is seemingly suggestive that there is no dispute *qua* factual averments contained in the compromise (Annexure P-8).

5. Be that as it may, I am of the considered view that the complainant ought to have disclosed the factum of compromise arrived at between him and the petitioner as the very complaint which has been preferred pertains to same transactions of the car *qua* which the compromise has not only been executed but also stands implemented. Had the same been brought to the knowledge of learned Court below, I am of the opinion that in that event Ld. Court below would not have taken the cognizance of the complaint. Having misled Ld. Court below, who had passed the summoning order which is not sustainable in view of the

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compromise, I see no ground that why the same be not set-aside and the complaint be not dismissed.

6. As an upshot, petition is allowed. Complaint (Annexure P-10), summoning order dated 25.11.2020 (Annexure P-11) and all consequential proceedings emanating therefrom *qua* the petitioner stand quashed.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 18, 2023
Ajay

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