

277 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-51951-2021  
DATE OF DECISION:-15.03.2023

Jagdish Kaur

...Petitioner.

vs.

State of Punjab and another

...Respondents..

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Amit Dhawan, Advocate,  
for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Om Malhan, Advocate for  
Mr. M.S. Sachdev, Advocate,  
for respondent No.2.

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**HARKESH MANUJA, J.**

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.137 dated 13.05.2016, under Sections 420, 465, 468 and 471 IPC, registered at Police Station Navi Baradari, Jalandhar (Annexure P-3) and order dated 31.03.2018 passed by the court of learned JMIC, Jalandhar (Annexure P-4), whereby she has been declared as proclaimed offender in the aforesaid FIR, on the basis of compromise (Annexures P-5 and P-6)).

2. As per the allegations levelled in the FIR, the petitioner procured passport on the basis of forged and fabricated documents.

3. In pursuance to an order dated 09.02.2023 passed by this Court,

whereby the parties were directed to appear before the trial Court for getting their statements recorded, a report dated 03.03.2023 has been received from the concerned court stating that the compromise has been effected voluntarily between the parties and the same is without any coercion and undue influence. Compromise between them appears to be genuine. It also finds mentioned in the report that petitioner made statement through her attorney, namely, Sohal Amartpal Harmel Singh regarding compromise. 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 petitioner; 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. As regards the order declaring the petitioner as proclaimed offender, a perusal of FIR itself shows that at the time of registration thereof, the petitioner was admittedly residing abroad and no efforts were made to serve her as per the procedure contemplated under Section 105 Cr.P.C., whereas, to the contrary, proceedings under Section 82 Cr.P.C. were wrongly initiated by issuing proclamation against her at the given address. Learned counsel for the petitioner even relies upon judgment of this Court passed in CRM-M-51891-2021, titled as “Ranjit Singh and others vs. State of Punjab and another”, decided on 24.05.2022.

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, FIR No.137 dated 13.05.2016, under Sections 420, 465, 468 and 471 IPC, registered at Police Station Navi Baradari, Jalandhar (Annexure P-3) based on compromise and the order dated 31.03.2018 passed by the court of learned JMIC, Jalandhar (Annexure P-4), declaring the petitioner as proclaimed person, without following the procedure prescribed under Section 105 of Cr.P.C., are hereby quashed qua the petitioner.

8. Accordingly, petition stands allowed, subject to payment of costs of \$1,000 to be deposited by the petitioner with the Punjab and Haryana High Court Bar Association, within a period of two weeks from today.

15.03.2023

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**(HARKESH MANUJA)**  
**JUDGE**

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