

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49004-2022
Date of Decision:-30.05.2023

GURDEEP KAUR

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

Mr. Naveen Bawa, Advocate
for respondent No.2.

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KARAMJIT SINGH, J. (Oral)

1. Present petition is for quashing of criminal complaint No.4719 of 2015 dated 28.7.2015 titled as Sonia Dhir vs. Gurdeep Kaur (Annexure P-1) on the basis of compromise dated 28.9.2022 (Annexure P-3) along with other consequential proceedings arising thereto.
2. The abovesaid criminal complaint was instituted by respondent No.2- Sonia Dhir against the petitioner.
3. On notice of motion, respondent No.2 appeared in the Court through her counsel and pleaded that she has no objection if the aforesaid

complaint is quashed on the basis of the aforesaid compromise which has been effected between the parties.

4. During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.
5. In compliance thereof, report from the Court of Judicial Magistrate Ist Class, Ludhiana along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.
6. I have heard learned counsel for the parties.
7. The counsel for the parties have submitted that respondent No.2 also got registered 2 FIRs against the petitioner and one another complaint under Section 138 of Negotiable Instruments Act was also filed by respondent No.2 against the petitioner and later on parties effected compromise and the concerned deed is dated 28.9.2022 (Annexure P-2) and on the basis of the said compromise, the aforesaid two FIRs are already quashed by the Coordinate Bench of this Court having CRM-M-49049-2022 decided on 14.2.2023 and CRM-M-48100-2022 decided on 17.1.2023. The copies of the same are taken on record. It has been further submitted that as the compromise deed (Annexure P-2) was relating to aforesaid 4 criminal cases, the parties agreed to file compromise quashing petitions even in criminal complaints under Section 138 of Negotiable Instruments Act.

8. Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.
9. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of criminal complaint in question. Further as the matter has been compromised, the continuation of the proceedings would amount to abuse of the process of the Court.
10. For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and criminal complaint No.4719 of 2015 dated 28.7.2015 titled as Sonia Dhir vs. Gurdeep Kaur (Annexure P-1) on the basis of compromise dated 28.9.2022 (Annexure P-3) and all the subsequent proceedings thereof are hereby quashed qua the petitioner.
11. However, it is made clear that the learned trial Court is at liberty to proceed further against the persons who furnished fake surety bonds in

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the complaint in question and against whom the learned trial Court has
passed order dated 5.9.2022.

30.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No