

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-44780-2019 (O&M)
Date of decision :21.09.2023**

Ramandeep Kaur

... Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harmanjit Singh Thiara, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab for respondent No.1.

Mr. D.S.Nigha, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.145 dated 30.08.2019 (P-1), under Sections 406 & 420 of the Indian Penal Code, 1860, registered at Police Station Division No.6, Jalandhar, District Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise by way of affidavit dated 26.09.2019 (P-2), entered into between the parties i.e. petitioner (wife) as well as respondent No.2 (husband).

(2) Above FIR was registered on the basis of statement made by respondent No.2 against his wife (petitioner) and one Randeep Singh Bath

(relative of petitioner), with the allegations that before boarding to Canada, his sister-Gurjinder Kaur had handed over her gold ornaments (about 14 tolas) to him and his mother-Sharanjit Kaur to look after. Also alleged that his mother and petitioner had taken one common Locker in a Bank, wherein all gold ornaments of his sister were kept along with some cash. In the month of June 2019, Sharanjit Kaur had gone to England and handed over keys of the locker to the petitioner. On 28.08.2019, complainant, his wife and Randeep Singh Bath visited the Bank; where all gold ornaments were taken out by the petitioner from the locker. On 29.08.2019 at 06:30 AM, complainant saw that his wife was not present. He also came to know that the gold ornaments as well as cash were also not there. His wife along with relative, in connivance with each other, had taken away the aforesaid gold ornaments as well as cash fraudulently. Hence, the present FIR.

(3) The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 06.12.2019, passed the following order:-

“CRM-34488-2019

Learned counsel for the applicant-petitioner does not press the present application.

Dismissed being not pressed.

CRM-M-44780-2019

Learned counsel for the petitioner submits that in compliance of the order dated 07.11.2019, the parties have appeared before the Investigating Officer and tendered the copy of compromise and have been directed to appear before this Court for quashing of the FIR.

Prayer in this petition is for quashing of FIR No.145 dated 30.08.2019, registered at Police Station Division No.6, Jalandhar, District Jalandhar, under Sections 406 and 420 IPC, along with all consequential proceedings arising therefrom, on the basis of affidavit dated 26.09.2019 (Annexure P-2) given by the complainant.

It is stated that this is a dispute between the husband and wife.

Notice of motion for 12.03.2020.

At this stage, Mr. D.S.Nigha, Advocate, has put in appearance on behalf of respondent No.2 and admitted the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 07.01.2020 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O.in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*

Report of the Illaqa Magistrate/trial Court be awaited for the date fixed.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Chief Judicial Magistrate (NRI Court), Jalandhar and submitted a report dated 18.01.2020. The operative part of the same reads as under:-

“3. As per the statements given by above said persons, the information sought by Hon'ble High Court is as follows:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case - **According to the statement of the Investigation Officer ASI Bhagwan Singh, there are two accused in the present FIR namely Ramandeep Kaur and Randeep Singh and both of them are on bail. As per statement of ASI Bhagwan Singh investigating officer, none of accused is proclaimed offender.***
- 2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made*

*their statement in support of the compromise - **Bhupinder Singh is the complainant of the FIR and his statement relating to compromise has been recorded.***

3. *The state of trial/proceedings - **Awaiting challan.***

4. *If the compromise is genuine, voluntary and out of free will of the parties - **Yes***

4. *Both the complainant namely, Bhupinder Singh as well as the accused Ramandeep Kaur stated that the compromise has been effected between them without any pressure, coercion, undue influence. From the statements of the parties, the compromise appears to be genuine, voluntary and without any coercion or undue influence.”*

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioner as well as respondent No.2 with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no grievance shown by either of the parties against each other.

(6) Learned State Counsel, on instructions, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties in view of the fact that dispute is between husband and wife.

(7) Learned Counsel for respondent No.2 also raises no objection.

(8) In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds. Thus, quashing of the FIR in question along with consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

(9) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner.

September 21st, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No