

CRM-M No.52393 of 2023 (O&M)

2023:PHHC:162666

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

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CRM-M No.52393 of 2023 (O&M)

Date of Decision: 18.12.2023

SHEELA MANGAL @ SHEELA DEVI AND OTHERS**.....Petitioner(s)****Vs****SATISH KUMAR JAIN****....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Tarun Sharma, Advocate for
Mr. Varun Girdhar, Advocate
for the petitioners.

Mr. B.S. Randhawa, Advocate
for the respondent.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., prayer is made for quashing of Complaint Case bearing COMI No.326/2017 dated 15.05.2017 titled as '*Satish Kumar Jain vs. Sheela Mangal and others*' under Sections 467, 468, 471, 120-B IPC pending in the Court of Judicial Magistrate Ist Class, Ludhiana (Annexure P-1) and summoning order dated 09.09.2021 (Annexure P-2) along with all consequential proceedings arising therefrom on the basis of compromises dated 29.07.2023 (Annexure P-3) and 06.10.2023 (Annexure P-4).

2. Notice of motion was issued on 16.10.2023 and both the parties were directed to appear before the Trial Court/Illaq Magistrate for recording their statements with regard to the validity of compromise.

3. In pursuance of the aforesaid order dated 16.10.2023 passed by this Court, whereby the parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 15.12.2023 has been received from the concerned court, stating that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner(s); there does not appear to be any impediment as regards quashing of present FIR qua the petitioner(s). Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present 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 complaint. The compromise in question is even found to be fully in consonance with the direction issued by the 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.)**

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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, the Complaint Case bearing COMI No.326/2017 dated 15.05.2017 titled as ‘*Satish Kumar Jain vs. Sheela Mangal and others*’ under Sections 467, 468, 471, 120-B IPC pending in the Court of Judicial Magistrate Ist Class, Ludhiana (Annexure P-1) and summoning order dated 09.09.2021 (Annexure P-2) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner(s).

7. Accordingly, petition stands allowed however subject to payment of cost(s) of Rs.10,000/- to be deposited by the petitioner(s) 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.

December 18, 2023

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Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No