

273 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12151-2024

DATE OF DECISION:-01.05.2024

Parveen Kaur

...Petitioner..

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Vishnu Dutt, Advocate for respondents No.2 and 3.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of FIR No.61 dated 04.06.2023, registered under Sections 420, 120-B IPC and Section 24 of Immigration Act, 1983, at Police Station Koom Kalan, District Ludhiana (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 08.07.2023 (Annexure P-2).

2. As per the allegations, petitioner along with her accomplices cheated the complainant on the pretext of sending his wife abroad.

Though, 02 persons were named in the FIR, however, only the present petitioner has approached this Court by way of present petition.

3. In pursuance of order dated 11.03.2024 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at

between them, report dated 18.04.2024 has been received from the concerned Court, stating that compromise is found to be genuine one, voluntary and out of free will of the parties. No accused has been declared as proclaimed person.

4. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 & 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. 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 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.) 543.***

6. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of***

Punjab and another, passed in CRM-M-23739- 2010 decided on 27.04.2011, *Rajinder Singh Vs. State of Punjab & another*, passed in CRM-M- 37395-2016 decided on 16.05.2017 and *Vimal Kalra & others Vs. State of Punjab & another*, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Moreover, learned counsel for the petitioner on instructions from his client, submit that she volunteers to serve public cause by providing one wheel chair to Civil Hospital, Ludhiana.

8. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.61 dated 04.06.2023, registered under Sections 420, 120-B IPC and Section 24 of Immigration Act, 1983, at Police Station Koom Kalan, District Ludhiana as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

9. Accordingly, petition stands allowed, however, subject to providing one Dr. Abbott, Arcatron Wheel Chair (Folding) 100 kg to the Civil Hospital, Ludhiana, within a period of two weeks from today as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

01.05.2024

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(HARKESH MANUJA)
JUDGE

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