



CRM-M-12920-2024

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

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CRM-M-12920-2024

Date of Decision:- 12.09.2024

Rajiv Sharma @ Rajiv Kalia and Ors.

....Petitioners

Vs.

State of Punjab and Anr.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Arti Kaur, Advocate for
Ms. Ruhani Chadha, Advocate for the petitioners.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Rahul Bhargava, Advocate for respondent No.2.

AMARJOT BHATTI, J.

1. Petitioners – Rajiv Sharma @ Rajiv Kalia, Sushila @ Sushila Devi and Amba Prashad have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.141 dated 08.11.2021 (Annexure P-1), under Sections 406, 420, 120-B of IPC, 1860, registered at Police Station Naya Gaon, District SAS Nagar and all subsequent proceedings arising therefrom on the basis of compromise deed dated 17.10.2023 (Annexure P-2).

2. As per the facts of the case, a written complaint was received alleging that Hardeep Singh Doon, Sushila Devi, The Working Women Welfare Society, Amba Prasad, and Rajiv Kalia conspired criminally and fraudulently sold plots to the applicants bearing No. 22, 23, and 30 in the Working Women Rural Welfare Society. They allegedly forged and created false documents to cheat the complainant, causing her financial loss in an

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illegal manner. Complainant Poonam Doon alleged that she was married with Hardeep Singh Doon in 1993 and out of this wedlock two children were born. She was allotted Plot No.30 vide Allotment No.373 and Plot No.22 by the said society. Due to matrimonial dispute, she was compelled to live separately along with her children. Her husband filed divorce petition against her. From the office of Joint Registrar, Tehsil Majri, she came to know that accused in connivance with the Government department sold said plots of the complainant in an illegal manner in favour of Sushila Devi vide sale deeds dated 04.01.2017. In this way, fraud was committed with her. When she protested, she was abused and threatened. Ultimately, after enquiry, present FIR has been registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate Ist Class, Kharar dated 06.05.2024. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioners. She confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

4. Statement of petitioners – Rajiv Sharma @ Rajiv Kalia, and Amba Prashad was recorded in the Court and statement of Sushila @ Sushila Devi was recorded through video conferencing. They also confirmed this fact in their statements. Statement of ASI Balbir Singh is also recorded. He confirmed that the accused Rajiv Sharma @ Rajiv Kalia,

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and Sushila @ Sushila Devi are not involved or declared as proclaimed offender in any other criminal case. He stated that three FIRs are registered against accused Amba Prashad. However, two FIRs are of the year 2003 and one of the year 2017.

5. From the report of Judicial Magistrate Ist Class, Kharar, it is clear that compromise has been effected between parties without any pressure, coercion or undue influence, which is acceptable to both the parties.

6. Considering all these factors in mind, in the case in hand, the dispute has arisen between the parties on account of matrimonial dispute, which is also settled between them. They agreed to withdraw the litigation started against each other. It would enable them to live in peace and harmony. Thus no purpose would be served with the continuation of criminal proceedings.

7. Therefore considering these facts, petition filed by petitioners is accepted and FIR No.141 dated 08.11.2021 (Annexure P-1), under Sections 406, 420, 120-B of IPC, 1860, registered at Police Station Naya Gaon, District SAS Nagar and all other subsequent proceedings arising therefrom are quashed qua petitioners.

8. Accordingly, present petition stands accepted.

9. Pending miscellaneous application(s), if any, stand disposed of accordingly.

12.09.2024

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No