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

CRM-M-20185-2024

Date of Decision: May 29, 2024

SHEELA BHARTI

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Satvir Singh, Advocate for the petitioner.
Mr. Siddharth Sandhu, AAG, Punjab.
Mr. Rahul Aggarwal, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C. the petitioner prays for quashing of case bearing FIR No.73 dated 09.11.2016 registered under Sections 406 and 420 of IPC at P.S. Cantt Jalandhar, District Police Commissionerate, Jalandhar along with all consequential proceedings arising out of the same on the basis of compromise dated 19.01.2017.

2. As per allegations levelled in the FIR, the petitioner defrauded complainant-respondent No.2 of a sum of Rs.1,63,000/- on the pretext of sending him abroad. Though, there was one more accused in the FIR, however, the matter has been compromised with present petitioner only.

3. This Court while issuing notice of motion vide order dated 24.04.2024 directed the parties to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them.

4. In pursuance to the order dated 24.04.2024, a report dated 09.05.2024 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary.

5. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR, in part, qua the petitioner. Even, 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 in question, qua the petitioner, on the basis of compromise entered into between the parties.

6. 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***”.

7. 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 CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

8. 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 FIR No. 73 dated 09.11.2016 registered under Sections 406 and 420 of IPC at P.S. Cantt Jalandhar, District Police Commissionerate, Jalandhar along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner, however, subject to deposit of Rs.10,000/- with Nishkam Sewa Group, run by Punjab and Haryana High court Lawyers at Chandigarh.

29.05.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>