

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121 CRM-M-34780-2022
Date of Decision : January 23, 2024

BALWINDER KAUR -PETITIONER

V/S

STATE OF PUNJAB AND OTHERS -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ankur Bansal, Advocate
for the petitioner.

Mr. Digvijay Nagpal, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner seeks quashing of FIR No.85 dated 26.08.2021 (Annexure P-1), under Section 406 of the IPC, registered at P.S. Talwara, District Hoshiarpur, and, all consequent proceedings arising therefrom, on the basis of a Compromise dated 30.12.2021 (Annexure P2).

2. The learned counsel for the petitioner submits that, upon transfer of entire amount in the account of power of attorney holder of the complainant, the compromise (Annexure P2) was effected *inter se* the petitioner and the complainant. However, despite payment of entire amount and the consequent thereto recording of the compromise (Annexure P2), neither the complainant nor her power of attorney holder are coming forward to make an affirmative statement qua authenticity of the compromise (Annexure P2), whereas, they have admitted the

compromise in a civil suit.

3. Be that as it may, since the complainant is not coming forward, in the instant petition, to make an affirmative statement qua the compromise (Annexure P-2) being drawn in a voluntary manner, therefore, this Court is not inclined to grant the asked for relief (supra). However, the petitioner is always at liberty to re-access this Court, through instituting an appropriate motion, for quashing of the instant FIR on merits, wherein, he may place reliance upon the compromise (Annexure P-2).

4. Faced with the above difficulty, the learned counsel for the petitioner seeks leave to withdraw the instant petition, however, with liberty to re-access this Court, on the same cause of action.

5. Leave granted.

6. Consequently, the instant petition is dismissed, however, with liberty (supra).

January 23, 2024
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(KULDEEP TIWARI)
JUDGE

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