

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-2888-2024 in/and
CRM-M-35552-2023
Date of decision:27.02.2024**

Ranjit Kaur **...Petitioner(s)**

Versus

State of Punjab and another **...Respondent(s)**

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Nitin Meel, Advocate for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

Mr. Tanuj Goyal Tohana, Advocate for
Mr. Vijay Bansal, Advocate for respondent No. 2.

KARAMJIT SINGH, J. (Oral)

CRM-2888-2024

Application for placing on record the death certificate of complainant is allowed and the same is taken on record as Annexure P-4 subject to all just exceptions.

CRM-M-35552-2023

Prayer in this petition is for quashing of FIR No. 9 dated 15.02.2012 registered under Sections 420, 406 of Indian Penal Code, 1860 at Police Station City Ahmedgarh, District Sangrur (Now Malerkotla) (Annexure P-1) alongwith subsequent proceedings including judgment and order dated 30.10.2018 passed by the Court of Judicial Magistrate, 1st Class Malerkotla, on the basis of compromise/affidavit dated 06.06.2023 (Annexure P-3).

2. The above stated FIR was registered on the statement of Kuldeep Singh Viridi father of respondent No.2. From the perusal of death certificate (Annexure P-4), it is evident that complainant Kuldeep Singh died on 06.11.2021. As per the allegations in the FIR, Kuldeep Singh gave money to petitioner and petitioner agreed to send his son i.e. respondent No. 2 to foreign country but, thereafter, petitioner failed to do so and also refused to return the money.

3. On notice of motion, learned counsel for respondent No. 2 appeared in the Court and pleaded that respondent No. 2 has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

4. During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

5. In compliance thereof, report from the Judicial Magistrate 1st Class, Ludhiana along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

6. I have heard learned counsel for the parties.

7. On conclusion of trial, petitioner was convicted and sentenced to undergo imprisonment by the trial Court vide judgment and order dated 30.10.2018 (Annexure P-2). The appeal filed against the said judgment and order is pending in the Appellate Court.

8. Learned counsel for the petitioner and respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

9. A Division Bench of this Court in ***Sube Singh and another v. State of Haryana and another***, 2013(4) RCR(Criminal) 102 allowed the compromise quashing petition and quashed the FIR as well as all the subsequent proceedings thereof including judgment and order passed by the Court of Additional Chief Judicial Magistrate whereby the accused persons were convicted and sentenced to imprisonment and further held that the appeal preferred by the accused persons against the aforesaid judgment and order has been rendered infructuous.

10. Recently the Hon'ble Apex Court in Criminal Appeal No.1393 of 2011 titled as ***Ramawatar v. State of Madhya Pradesh*** decided on 25.10.2021 quashed all the proceedings including judgment and order of conviction and sentence passed by the trial Court against which the appeal was pending in the High Court, on the basis of the compromise effected between the parties.

11. In the case in hand, the parties have effected compromise. In view of the compromise, respondent No.2 does not want to take any further action against the petitioner. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. So no fruitful purpose would be served by keeping the proceedings pending in the Appellate Court.

12. For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in ***Gian Singh v. State of Punjab and another***, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in ***Kulwinder Singh and others v. State of Punjab and another***, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No. 9 dated 15.02.2012 registered under Sections 420, 406 of Indian Penal Code, 1860 at Police Station City Ahmedgarh, District Sangrur (Now Malerkotla) (Annexure P-1) alongwith subsequent proceedings including judgment and order dated 30.10.2018 passed by the Court of Judicial Magistrate, 1st Class

13. Resultantly, the appeal, if any, preferred by the petitioner against the aforesaid judgment and order dated 30.10.2018 (Annexure P-2) would be rendered infructuous.

KARAMJIT SINGH
(JUDGE)

27.02.2024
Divyanshi

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No