



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-34203-2024(O&M)
Date of Decision: 10.09.2024

ALKA ALIAS ALKA KUMARI SAHOTAPetitioner

VERSUS

STATE OF PUNJAB AND ANOTHERRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Ms. Satpreet Grewal Kapila, Advocate for the petitioner.
Mr. Satjot Singh, AAG, Punjab.
Mr. Raman Kumar, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.43 dated 18.03.2021 under Sections 406, 420, 465 and 468 of IPC and Section 10 of Emigration Act 1983 registered at Police Station Tanda District Hoshiarpur and all the subsequent proceedings arising therefrom, on the basis of compromise dated 21.06.2024 (Annexure P-2).

2 . This Court vide order dated 22.07.2024 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, parties have appeared before the learned Judicial Magistrate First Class, Dasuya and got their statements



recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.09.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence. It is also mentioned in the report that two persons were arrayed as accused in the FIR namely Alka@ Alka Kumari Sahota and Ravinder Kumar. None of the accused is absconding/proclaimed person in this case. However, only accused Alka@Alka Kumari Sahota appeared and made a statement. The case is pending for procuring the presence of accused Ravinder Kumar. No other criminal case is pending against Alka@Alka Kumari Sahota and separate statement of present petitioner and complainant/respondent No.2 as well as the Investigating Officer have been recorded.

4. The factum of compromise having arrived at between the parties has not been disputed by learned State counsel as well as counsel for respondent No.2. Learned State counsel, however, has submitted that it is a case of partial compromise as the co-accused is not a party to the same and it might have repercussions upon the trial. In the opinion of this Court, since it has come on record that the compromise has been effected between the parties to maintain peace and harmony and as there are bleak chances of conviction of the petitioner, therefore, partial quashing or part quashing of the FIR qua the petitioner only, can be allowed. In this regard reliance can be placed upon the observations made by Delhi High Court in ***“Sunil Tomar Vs. State of NCT of Delhi”, 2022(2) Crl. CC 179*** and ***“Lovely Salhotra and another vs. State of NCT of Delhi”, (2018) 12 SCC 391*** as well as



judgments passed by the co-ordinate Bench of this Court in “*Parambir Singh Gill vs. Malkiat Kaur*”, 2010 (1) RCR (Criminal) 256 and “*Samay Singh vs. State of Haryana*” 2023 NCPHHC 99612.

5 As per the discussion so made above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6 Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another* 2007 (3) RCR (Criminal) 1052 and approved by the Hon’ble Supreme Court in *Gian Singh Versus State of Punjab and others* (2012) 10 SCC 303, this petition is allowed and FIR No.43 dated 18.03.2021 under Sections 406, 420, 465 and 468 of IPC and Section 10 of Emigration Act 1983 registered at Police Station Tanda District Hoshiarpur and all subsequent proceedings arising therefrom on the basis of compromise dated 21.06.2024 (Annexure P-2) are quashed qua the petitioner herein only.

10.09.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No