

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

2024:PHHC:035580

CRM-M No. 42994 of 2023 (O&M)

Date of decision : March 12, 2024

Shardha Rani alias Sharda Rani and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE KULDEEP TIWARI

Present :- Mr. Krishna Kanha, Advocate
for the petitioner.

Mr. Raghav Garg, AAG., Punjab.

Mr. Naveen Sharma, Advocate
for respondent No.2.

Mr. Ishant, Advocate
for respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 60 dated 15.03.2023, under Sections 420 and 120-B IPC, 1860 (Section 82 of Registration Act, added later on) registered at Police Station Haibowal, District Ludhiana (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of a compromise dated 24.05.2023 (Annexure P-2), as entered into *inter se* the petitioners and respondent No.2/complainant.

2. As per report dated 16.01.2024 sent by JMIC, Ludhiana the statements of the parties concerned have been recorded, and statement of one Gaurav Sharma respondent No.3 has been recorded through his power of

attorney, which was drawn in favour of one Mr. Amit Sharma s/o Baldev Krishan.

3. Upon an affirmative response from the learned counsel for respondent No.2 *qua* the compromise (Annexure P-2), this Court, through an order drawn on dated 11.12.2023, upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/*Illaq*a Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the learned trial Court/*Illaq*a Magistrate concerned was also directed to send a report in the above regard.

4. Consequent to the making of the directions (*supra*), the parties appeared before the learned Judicial Magistrate, Ist Class, Ludhiana and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (*supra*) of this Court, a report bearing No.02, dated 16.01.2024, has been received from the Judicial Magistrate, Ist Class, Ludhiana wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (*supra*), being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

5. I have heard counsel for the parties and gone through the case file.

6. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled **“Abhishek Singh & others V/s State of Punjab & others”**, Pronounced **on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;

- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;*
- c) The victim has willingly consented to the nullification of criminal proceedings;*
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;*
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;*
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;*
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;*
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;*
- i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”*

7. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused have been charged, are not of grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh, others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby **allowed**.

8. Resultantly, FIR No. 60 dated 15.03.2023 under Sections 420 and 120-B IPC, 1860 (Section 82 of Registration Act added later on) registered at Police Station Haibowal, District Ludhiana (Annexure P-1) and all other subsequent proceedings arising out therefrom, on the basis of a compromise (Annexure P-2) is quashed, subject to the payment of costs of Rs.5,000/-, to be

forthwith deposited with the District Legal Services Authority concerned, to be deposited by the petitioners.

(KULDEEP TIWARI)
JUDGE

March 12, 2024
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Whether speaking/reasoned	Yes
Whether Reportable :	No