

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M-49336-2023
Date of decision:01.02.2024

SIMRANJEET KAUR ..PETITIONER(S)
Versus

STATE OF PUNJAB AND ANOTHER ...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhmeet Singh, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
None for respondent No.2.

HARPREET SINGH BRAR , J (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.30 dated 01.03.2021 registered under Sections 420, 506, 120-B of Indian Penal Code at Police Station Sadar Faridkot District Faridkot and all subsequent proceedings arising therefrom in view of the compromise dated 01.09.2023 (Annexure P-3).

2. The following order was passed on 03.10.2023:-

“Prayer in the instant petition is for quashing of FIR No.30 dated 01.03.2021 under Sections 420, 506, 120-B of the IPC registered at Police Station Sadar Faridkot, District Faridkot, along with all consequential proceedings arising therefrom on the basis of compromise dated 01.09.2023 (Annexure P-3).

Learned counsel appearing for the petitioner submits that subsequent to the registration of the FIR in question the parties with the intervention of the respectables have amicably resolved all their disputes, and hence continuation of criminal proceedings would serve no useful purpose.

Notice of motion.

On asking of the Court, Mr. Mohit Kapoor, Addl. A.G., Punjab, accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Jagmeet Singh, Advocate, has put in an appearance on behalf of the complainant/respondent No.2 and filed his Power of Attorney which is taken on record. He does not dispute the submissions made by counsel opposite and also does not oppose the prayer for quashing of FIR on the basis of compromise arrived at between the parties.

Learned counsel for the petitioner submits that the petitioner is presently living in Australia and it would not be possible for her to travel in the near future to India for getting her statement recorded and hence her statement be recorded through virtual mode.

On a pointed query put to the learned counsel for the petitioner as to whether the petitioner had been declared a proclaimed offender or any proceedings under Section 82 of the Cr.P.C. had been initiated against her, he has replied in the negative.

In view of the above, the private parties the parties are directed to get their statements recorded qua the factum of compromise in the following manner :-

(i) The parties will appear on 03.11.2023 and move an application before the Trial Court/Illaq Magistrate concerned for recording statements of the parties qua the factum of compromise through Video Conferencing. As and when any such application is moved and put up before the Trial Court/Illaq Magistrate, the Trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise through Video Conferencing/virtual mode.

(ii) At the time of recording of the statements by way of Video Conferencing/virtual mode, the petitioner shall be duly identified by her counsel, subject to the satisfaction of the Presiding Officer.

The Illaqa Magistrate/Trial Court is directed to record the statements of both the parties specifying the following:

- i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii. Whether any of the accused has been declared a Proclaimed Offender;*
- iii. The stage of trial/proceedings;*
- iv. If the compromise so arrived at between the parties is genuine, voluntary and out of free will.*
- v. Criminal antecedents, if any, of the petitioners.*

The Illaqa Magistrate/Trial Court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

Adjourned to 04.12.2023”.

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63 and Full Bench of this Court in Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrL) 1052***, this petition is allowed and FIR No.30 dated 01.03.2021 registered under Sections 420, 506, 120-B of Indian Penal Code at Police Station Sadar Faridkot District Faridkot and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

01.02.2024
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(HARPREET SINGH BRAR)
JUDGE