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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2268-2025
Date of Decision: 27.05.2025

BALWANT KAUR
... Petitioner
Versus
STATE OF U.T.CHANDIGARH & ANOTHER
... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Arjun Kapoor, Advocate for the petitioner.
Mr. Manish Bansal, PP, UT, Chandigarh.
Mr. Raman Sharma, Advocate
for respondent No.2-complainant.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the FIR as under:-

FIR No.	Dated	Sections	Police Station
27	15.03.2024	406, 420, and 120-B IPC	South Sector 34, District Chandigarh

2. During course of hearing following orders were passed on
13.05.2025:-

*“Present petition has been filed praying for quashing of
FIR No.27, dated 15.03.2024 (Annexure P-1), under Sections
406, 420 & 120-B of Indian Penal Code, 1860, registered at*



Police Station South Sector 34, District Chandigarh on the basis of settlement/agreement dated 14.05.2024 (Annexure P-3) arrived at between both the parties. Further prayer has been made for staying the further proceedings arising out of FIR during the pendency of the present petition.

Learned counsel appearing on behalf of the petitioner has contended that the parties have compromised the matter and as such the present FIR is liable to be quashed.

Mr. Raman Sharma, Advocate has filed his power of attorney on behalf of respondent No.2 today in the Court and the same is taken in record. He has filed short reply/affidavit of respondent No.2 today in the Court and the same is taken on record. He has endorsed the contention raised by learned counsel for the petitioner and has not denied the factum of compromise effected between the parties.

Learned counsel for both the parties have submitted that the statements of the parties be recorded through video conferencing.

Adjourned to 27.05.2025.

In the meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 16.05.2025 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

Both the parties would appear for recording of their statements through virtual mode. Learned trial Court/Illaq Magistrate shall ensure the proper identification of both the sides subject to its satisfaction. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

The State to file status report before the next date of hearing.”

3. Report dated 17.05.2025 from the learned trial Court has been received to the fact that the parties have effected compromise, which is



genuine and without any pressure.

4. Learned counsel for the petitioner submits that both, petitioner and respondent No.2 has appeared before the learned trial Court on 16.05.2025 and recorded their statement with regard to genuineness of the compromise dated 14.05.2024, hence, prayed for quashing of the aforesaid FIR.

5. Learned State counsel has filed reply by way of an affidavit dated 02.05.2025 of Deputy Superintendent of Police, EOW Chandigarh, the same is taken on record, copy thereof, has been supplied to the counsel opposite. Learned State counsel referring to the reply submits that petitioner had dishonest intention from the very inception and her action fulfils the ingredients of cheating within the meaning of Section 420 of IPC, and even did not stop raising loan even after execution of the Agreement to Sell in favour of the respondent No.2-complainant, hence prayed for dismissal of the present petition. However, he has not disputed the factum of compromise effected between the parties and also the fact that petitioner had cleared the loan amount.

6. Learned counsel for respondent No.2 admits the factum of compromise having been effected between the parties without any coercion or pressure.

7. After considering the rival contentions and perusing the record, it is observed that as per reply filed by the State, it is specifically mentioned therein, that there is no other accused except the present petitioner and the factum of the compromise effected between the parties has also not been disputed. Learned counsel for the complainant has also admitted the factum of



comprise effected between the parties.

8. Therefore, in view of the report dated 17.05.2025 of the learned Civil Judge (Jr. Division)-cum-JMIC, Chandigarh and in view of the decision of the Hon’ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another” (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioner/accused persons.

9. In these circumstances, the present petition is allowed, FIR No.27, dated 15.03.2024, under Sections 406, 420, and 120-B IPC (Annexure P-1), registered at Police Station South Sector 34, District Chandigarh, and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioner.

(SANJIV BERRY)
JUDGE

27.05.2025

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |