
(2019) 02 P&H CK 0133

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 21624 Of 2018 (O&M)

Pargat Singh And Ors

APPELLANT

Vs

State Of Punjab And Anr

RESPONDENT

Date of Decision : 13-02-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 120B, 420

Citation : (2019) 02 P&H CK 0133

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Amit Arora, Sandeep Kumar, Parminder Singh Kanwar

Final Decision : Allowed

Judgement

Mahabir Singh Sindhu, J

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.129 dated 11.11.2017 (Annexure P-1), under Sections 420 and 120-B of the Indian Penal Code, registered at Police Station Harike, District Tarn Taran along with all consequential proceedings arising therefrom on the basis of compromise dated 28.04.2018(Annexure P-2) entered into between the parties i.e. petitioners as well as respondent No. 2.

The above noted FIR had been registered by the complainant with the allegations that the accused persons had committed cheating with him firstly by sending their girl to Australia on the expenses of the complainant to the tune of Rs.16,50,000/- and after having returned back to India, the girl solemnized marriage with the complainant's son. It is, however, alleged that though the complainant's son had been called to Australia, but later on his Visa was got cancelled on the complaint filed by the girl. Thus, the accused had under the promise of settling the complainant's son in Australia, had committed the offence under Sections 420 and 120-B of IPC.

Heard learned counsel for the parties and perused the paper book. On 28.05.2018, while issuing notice of motion, this Court has passed the following order:-

" This petition has been filed seeking quashing of FIR No. 129 dated 11.11.2017, registered for the alleged commission of offences punishable under Sections 420 and 120-B IPC, at Police Station Harike, District Tarn Taran, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent no 2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Ms. Seena Mand, D.A.G., Punjab accepts notice on behalf of respondent no. 1.

Mr. Parminder Singh Kanwar, Advocate, appears and accepts notice on behalf of respondent no. 2 and has filed his power of attorney in Court today which is taken on record.

Requisite number of copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 30.07.2018.

In the meanwhile, the petitioners as also respondent no. 2 would appear before the learned Area Magistrate/trial Court up-to 04.07.2018 to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The Area Magistrate/trial Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel as also that Court would also determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioners."

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Patii and submitted a report dated 27.08.2018. The operative part of the same reads as under:-

'Therefore, the compromise made by the parties seems to be genuine and without any influence.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed

offender in this case.

On instructions from HC Ashok Kumar, learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

Since primarily it is a matrimonial dispute and the matter has been compromised between the parties. This Court is fully convinced that the offences are entirely personal in nature and there is no public funds involved and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.