
(2013) 08 P&H CK 0865
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-19339-2013 (O and M)

Sukhwinder Kaur @ Mona and Another	APPELLANT
Vs	
State of Punjab and Others	RESPONDENT

Date of Decision : 12-08-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 406, 420

Citation : (2013) 08 P&H CK 0865

Hon'ble Judges : Naresh Kumar Sanghi, J

Bench : Single Bench

Advocate : Veneet Sharma, for the Appellant; Sandeep Chhabra, DAG, Punjab, for the Respondent

Final Decision : Allowed

Judgement

Naresh Kumar Sanghi, J.—Prayer in this petition is for quashing of FIR No. 134, dated 11.5.2013, under Sections 406 and 420, IPC, registered at Police Station, Civil Lines, District Amritsar, and all the consequential proceedings arising therefrom, on the basis of compromise. Vide order dated 9.7.2013, the petitioners as well as respondent Nos. 2 and 3 were directed to appear before the learned Area Judicial Magistrate/Trial Court, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard along with copies of the statements on or before the date fixed by this Court.

2. In compliance of the above order, the petitioners, namely, Sukhwinder Kaur @ Mona and Jagjit Singh Syal, as well as respondent Nos. 2 and 3, namely, Amarjit kaur Chadha and Jamit Singh Chadha, did appear before the learned Chief Judicial Magistrate, Amritsar, and got recorded their respective statements with regard to the compromise. Learned Chief Judicial Magistrate, Amritsar, has sent copies of the statements of the private parties along with his report, dated 26.7.2013, with regard to the compromise. Respondent Nos. 2 and 3 stated as under:-

We have got registered FIR No. 134, dated 11.5.2013, under Sections 406/420 IPC, Police Station, Civil Lines, Amritsar, against the accused, Sukhwinder Kaur @ Mona and Jagjit Singh Syal, present in the Court today and with the intervention of the respectables, entire matter between us and above named accused is amicably settled. We have arrived at the compromise with the accused, out of our free will and willful consent and there is no pressure upon us. There is no other case pending except the present one. We have no objection if the FIR No. 134, dated 11.5.2013, under Sections 406/420 IPC, Police Station, Civil Lines, Amritsar, is quashed.

3. The petitioners suffered the following statement:

That Complainant Amarjit Kaur Chadha and Jamit Singh Chadha, have got registered FIR No. 134, dated 11.5.2013, under Sections 406/420 IPC, Police Station, Civil Lines, Amritsar, against us and with the intervention of the respectables, entire matter between us and the complainant is amicably settled. We have arrived at the compromise with the complainant out of our free will and willful consent and there is no pressure upon us. There is no other case pending between us except the present one.

4. Learned counsel for the petitioners submits that the petitioners as well as respondent Nos. 2 and 3 are thickly related with each other; the present criminal litigation has arisen over a plot which was allegedly purchased by the petitioners on behalf of respondent Nos. 2 and 3; due to intervention of the respectable and elderly people of the society, both the factions have sorted out their dispute and effected a compromise; the disputed amount has been paid to respondent Nos. 2 and 3; in consonance with the order dated 9.7.2013, passed by this Court, both the factions did appear before the learned Court below and got recorded their respective statements with regard to the compromise; and that in view of the compromise, the pendency of the FIR and all the consequential proceedings emanating therefrom would be sheer abuse of the process of law, as the chances of ultimate conviction and sentence of the petitioners are bleak.

5. Learned counsel for the State on instructions from ASI Partap Singh of Police Station, Civil Lines, Amritsar, also admits the factum of the compromise. He has also gone through the copies of the statements suffered by the private parties and the report received from the learned Chief Judicial Magistrate, Amritsar, and has no objection if the impugned FIR and all the consequential proceedings emanating therefrom are quashed in view of the compromise effected between the private parties.

6. Heard.

7. The petitioners and respondent Nos. 2 and 3 are thickly related with each other. The present criminal litigation has arisen on account of a dispute over a plot which was allegedly purchased by the petitioners for the use of respondent Nos. 2 and 3 and later they became greedy. The disputed amount has been paid to respondent Nos. 2 and 3. All the disputes have been sorted out due to the

intervention of the respectable and elderly people of the society. The statements of both the factions have been recorded by the learned Chief Judicial Magistrate, Amritsar. The report received from the said Court reveals that the statements so recorded were without any inducement or pressure. It has also been mentioned that the private parties have amicably settled their differences and reached at bona fide compromise.

8. Learned counsel for the State has also perused the copies of the statements suffered by the private parties and the report received from the learned Chief Judicial Magistrate, Amritsar, and has no objection if the impugned FIR and all the consequential proceedings emanating therefrom are quashed. The pendency of the impugned FIR and the consequential proceedings would be sheer abuse of the process of law since the chances of ultimate conviction and sentence of the petitioners are bleak. Keeping in view the totality of the facts and circumstances of the case, the factum of the compromise effected between the private parties and the ratio of the judgment delivered by 5-Judge Bench of this Court in the Kulwinder Singh and Others Vs. State of Punjab and Another, this petition is allowed and FIR No. 134, dated 11.5.2013, under Sections 406 and 420, IPC, registered at Police Station, Civil Lines, District Amritsar, and all the consequential proceedings arising therefrom are hereby quashed.