

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

CRM No.M-10958 of 2015 (O&M)

Date of Decision: 13.10.2015

BALWINDER SINGH AND ANR

. . . Petitioners

Versus

STATE OF PUNJAB AND ANR

. . . Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No***
- 2. To be referred to reporters or not? Yes/No***
- 3. Whether the judgment should be reported in the Digest? Yes/No***

Present: Mr. Sarbjit Singh, Advocate
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab.

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No.26 dated 02.02.2015, for the offences punishable under Sections 498-A and 506 IPC, registered at Police Station, Sultanwind, District Amritsar City and all the consequential proceedings arising therefrom, on the

basis of compromise/affidavit, dated 13.03.2015 and 21.03.2015 (Annexures P-2 and P-3).

On 06.04.2015, this Court had passed the following order:-

“Notice of motion for 27.8.2015.

Meanwhile, parties are directed to be present before the learned trial Court/Illaqa Magistrate on 5.5.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not a result of any pressure or coercion in any manner. It shall send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not, before the next date of hearing.”

In compliance of the above order, the respondent No.2/informant as well as the petitioner did appear before the Court below and got recorded their respective statements with regard to the compromise. The report alongwith copies of the statements of the parties, has been received. Respondent No. 2/informant, Kuldeep Kaur, suffered the following statement:-

“Stated that I have heard the statements of the accused and I entered into compromise with the

accused namely Balwinder Singh and Paramjit Kaur as per terms of compromise Dated 13-3-2015, already placed before the Hon'ble Punjab and Haryana High Court at Chandigarh. I undertake to remain bound with the terms of aforesaid compromise and to live peacefully in future. I am giving present statement before this Hon'ble Court out of my own free Will, consent and without exercise of any influence or pressure etc. of whatsoever kind. I have got no objection if FIR number no.26 dated 2.2.15 u/s 498-A/506 IPC P.S. Sultanwind, Amritsar is quashed."

The perusal of the report received from learned Court below would reveal that compromise has been effected between the parties without any pressure or coercion from any side and the sole purpose of the compromise was their desire to live in peace and harmony.

Learned counsel for the State, on instructions from HC Tarsem Singh of Police Station, Sultanwind, District Amritsar has also admitted the factum of compromise and has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise/affidavit (Annexures P-2 and P-3).

After hearing learned counsel for the parties and going through the statement suffered by respondent No. 2/informant, the report received from learned trial Court and

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taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **B.S. Joshi and others v. State of Haryana and another, 2003 (2) R.C.R. (Criminal) 888**, present petition is accepted and FIR No.26 dated 02.02.2015, for the offences punishable under Sections 498-A and 506 IPC, registered at Police Station, Sultanwind, District Amritsar City and all the consequential proceedings arising therefrom, on the basis of compromise/affidavit, dated 13.03.2015 and 21.03.2015 (Annexures P-2 and P-3), qua the petitioners, who are brother-in-law/*Jeth* and sister-in-law/*Jethani*, are hereby quashed.

[NARESH KUMAR SANGHI]
JUDGE

13.10.2015
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