

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

CRM-M- 13493 of 2015

Date of decision: 07.09.2015

Lakhwinder Singh and others

----Petitioner(s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Vivek Goel, Advocate for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

Mr. Nitin Rampal, Advocate for
Mr. Achin Gupta, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition is for quashing of FIR No.116, dated 24.07.2013, for the offences punishable under Sections 312 and 313 read with Section 120-B IPC and under Section 5 of Medical Termination of Pregnancy Act, 1971, registered at Police Station, Moga City, Distt. Moga (Annexure P-1), on the basis of compromise and statement dated 24.09.2014 of Nirmal Kaur (Annexure P-3).

This Court vide order dated 20.05.2015, has passed the following order:-

“Learned counsel for the petitioners on the strength of statements (Annexures P/2 and P/3) made before the District Judge, Faridkot on 24.09.2014, submits that parties have agreed to settle the dispute.

Notice of motion was issued for today.

Mr.P.S.Madhar, AAG, Punjab has put in appearance on behalf of the respondent-State. Mr.Nitin Rampal, Advocate has appeared on behalf of respondent No.2-Nirmal Kaur and filed his power of attorney on her behalf and he does not dispute the factum of compromise.

Accordingly, parties are directed to appear before the trial court on 2.6.2015, the date already fixed for prosecution evidence, to get their statements recorded and the trial court shall forward its report on or before the next date of hearing containing the following information as well:-

- (i)Number of persons arrayed as accused in FIR.
- (ii)Whether any accused is proclaimed offender.
- (iii)Whether the compromise is genuine, voluntary and without any coercion or undue influence.”

Pursuant to the aforesaid order 20.05.2015, the parties have appeared before the trial Court and have got their statements recorded. On the basis of the statements so recorded by the parties, trial Court, has submitted his report dated 01.07.2015, to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

The statement of complainant-respondent No.2, namely, Nirmal Kaur (wife) before the Addl. Sessions Judge, Moga dated 01.07.2015, reads as under:-

At my instance FIR No. 116, dated 24.07.2013, under Sections 312, 313 and 120-B of IPC and Section 5 of Medical Termination and Pregnancy Act, 1971 was

registered at P.S. City Moga against Lakhwinder Singh, Pawinder Singh, Kulwinder Kaur, Kulwinder Singh, Hakam Singh, Veerpal Kaur and Balwinder Kaur @ Golo. Due to intervention of respectables and relatives from both families for our better future, peaceful and harmonious life and our families, we have effected compromise without any kind of coercion, inducement, threat, greet etc. Compromise is genuine and I have got no objection if FIR No. 116 aforesaid along with all subsequent proceedings is quashed. Now there remains no differences between us and all our cases have been disposed of amicably. I have got divorce from Lakhwinder Singh by way of mutual consent.

Sd/-

RO & AC
Sd/-

(Gurjant Singh)
ASJ, Moga
01.07.2015”

Mr. Nitin Rampal, Advocate, who has put in appearance on behalf of Mr. Achin Gupta, Advocate for respondent No.2 has admitted the factum of compromise entered between the parties.

Learned State counsel has also does not dispute the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.116, dated 24.07.2013, for the offences punishable under Sections

312 and 313 read with Section 120-B IPC and under Section 5 of Medical Termination of Pregnancy Act, 1971, registered at Police Station, Moga City, Distt. Moga (Annexure P-1), on the basis of compromise and statement dated 24.09.2014 of Nirmal Kaur (Annexure P-3), is hereby quashed.

September 07, 2015
Anjal

(HARI PAL VERMA)
JUDGE